University of London

606186

REPORTS

FROM

COMMITTEES:

SIX VOLUMES.

—*(3.)*—

ELECTIONS, PARLIAMENTARY AND MUNICIPAL;

ENDOWED SCHOOLS BILL;

MARRIED WOMEN'S PROPERTY BILL.

Session

10 *December* 1868 —— 11 *August* 1869.

VOL. VIII.

1868-9.

REPORTS FROM COMMITTEES:

1868-9.

SIX VOLUMES:—CONTENTS OF THE

THIRD VOLUME.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

PARLIAMENTARY AND MUNICIPAL ELECTIONS:

352. Report from the Select Committee on Parliamentary and Municipal Elections; with the Proceedings of the Committee, Minutes of Evidence, and Appendix - - - - - - - - p. 1

352-I. Index to Ditto - - - - - - - - - - 627

ENDOWED SCHOOLS BILL:

208. Report from the Select Committee on Endowed Schools Bill; with the Proceedings of the Committee - - - - - 741

ENDOWED SCHOOLS (No. 2) BILL:

256. Report and Special Report from the Select Committee on Endowed Schools (No. 2) Bill; with the Proceedings of the Committee 763

MARRIED WOMEN'S PROPERTY BILL:

210. Report from the Select Committee on the Married Women's Property Bill; with the Proceedings of the Committee - - 769

REPORT

FROM THE

SELECT COMMITTEE

ON

PARLIAMENTARY AND MUNICIPAL ELECTIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1869.

Thursday, 4th March 1869.

So much of Queen's Speech at the opening of the Session as relates to Parliamentary and Municipal Elections, read, as followeth:

"I recommend that you should inquire into the present modes of conducting Parliamentary and Municipal Elections, and should consider whether it may be possible to provide any further guarantees for their tranquillity, purity, and freedom."

Select Committee appointed to inquire into the present modes of conducting Parliamentary and Municipal Elections, in order to provide further guarantees for their tranquillity, purity, and freedom.

Tuesday, 16th March 1869.

Ordered, THAT the Select Committee on Parliamentary and Municipal Elections do consist of Twenty-one Members, viz.:

The Marquis of Hartington.
Mr. Gathorne Hardy.
Mr. Bright.
Mr. Hunt.
Sir George Grey.
Mr. Villiers.
Sir Frederick Heygate.
Mr. Brand.
Mr. Cross.
Mr. Whitbread.
Mr. Raikes.
Mr. Leatham.
Mr. Staveley Hill.
Mr. Locke.
Mr. William Henry Smith.
The O'Conor Don.
Mr. Graves.
Mr. Dalglish.
Sir Michael Hicks Beach.
Mr. James.
Mr. Howes.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Seven be the Quorum of the Committee.

Friday, 19th March 1869.

Ordered, THAT the Committee do consist of Twenty-three Members.

Ordered, THAT Mr. Fawcett and Mr. Edward Egerton be added to the Committee.

Tuesday, 6th April 1869.

Ordered, THAT the Petition of Electors of the Borough of Warrington, complaining of the mode in which votes were taken at the late election, be referred to the Committee.

Monday, 7th June 1869.

Ordered, THAT the Petition from Weem, for adoption of the Ballot, be referred to the Committee.

Friday, 23rd July 1869.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - - p. iv
MINUTES OF EVIDENCE - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - - p. 558

REPORT.

THE SELECT COMMITTEE appointed to inquire into the present modes of conducting PARLIAMENTARY and MUNICIPAL ELECTIONS, in order to provide further guarantees for their tranquillity, purity, and freedom ;—— HAVE considered the matters to them referred, and have agreed to the following REPORT :—

YOUR COMMITTEE have examined a great number of Witnesses on the subject referred to them, and have agreed to Report the Evidence taken before them to the House, and to recommend that the Committee be re-appointed next Session for the purpose only of considering their Report, with a view to early legislation.

23 *July* 1869.

PROCEEDINGS OF THE COMMITTEE.

Monday, 22*nd March* 1869.

MEMBERS PRESENT:

Sir George Grey.
Mr. Leatham.
Mr. Raikes.
Mr. Staveley Hill.
The O'Conor Don.
Mr. Cross.
Mr. Bright.
Mr. Dalglish.
Mr. James.
Mr. Locke.
Mr. Brand.
Marquis of Hartington.
Mr. Villiers.
Mr. Whitbread.
Mr. Edward Egerton.
Mr. Fawcett.
Mr. William Henry Smith.

The Marquis of HARTINGTON was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday, 6th April, at One o'clock.

Tuesday, 6*th April* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.
Mr. William Henry Smith.
Mr. Locke.
Mr. Leatham.
Mr. Villiers.
Mr. Gathorne Hardy.
Mr. Brand.
Mr. Staveley Hill.
Sir Frederick Heygate.
Mr. Edward Egerton.
Sir Michael Hicks Beach.
Mr. Dalglish.
Mr. Howes.
Mr. Whitbread.
Mr. Fawcett.

The Committee deliberated.

Mr. *John Barber*, Mr. *Job Bradshaw*, and Mr. *Sanderson Butler*, severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 9*th April* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.
Sir Frederick Heygate.
Mr. Cross.
Mr. James.
Mr. Leatham.
Mr. Staveley Hill.
The O'Conor Don.
Mr. Hunt.
Mr. Brand.
Mr. Villiers.
Mr. Graves.
Mr. Edward Egerton.
Mr. Raikes.
Mr. William Henry Smith.
Mr. Dalglish.
Mr. Whitbread.
Mr. Bright.
Sir Michael Hicks Beach.
Mr. Locke.
Mr. Gathorne Hardy.
Mr. Howes.

Mr. *Henry Darvill*, Mr. *James Herbert*, and Mr. *Frederick Woodthorpe*, Town Clerk of the City of London, severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 13*th April* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Cross.	Sir Frederick Heygate.
Sir George Grey.	Mr. James.
The O'Conor Don.	Mr. Raikes.
Mr. Leatham.	Mr. Whitbread.
Mr. Edward Egerton.	Mr. William Henry Smith.
Mr. Locke.	Mr. Dalglish.
Mr. Staveley Hill.	Sir Michael Hicks Beach.
Mr. Bright.	Mr. Gathorne Hardy.
Mr. Brand.	Mr. Howes.
Mr. Graves.	Mr. Fawcett.
Mr. Villiers.	Mr. Hunt.

The Committee deliberated.

Mr. *Henry Bleckly*, Mr. *Robert Addyman*, and Mr. *Edwin Gaunt*, severally examined.

The Committee deliberated.

[Adjourned till Friday next, at One o'clock.

Friday, 16*th April* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Villiers.	Mr. Hunt.
Mr. Staveley Hill.	Mr. Brand.
Mr. James.	The O'Conor Don.
Mr. Leatham.	Mr. Dalglish.
Mr. Gathorne Hardy.	Mr. Locke.
Mr. Edward Egerton.	Mr. Cross.
Mr. Raikes.	Sir Michael Hicks Beach.
Sir George Grey.	Mr. Howes.
Mr. Bright.	Mr. Fawcett.
Mr. Graves.	

Mr. *Thomas Trippier* and Mr. *William Johnson* severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 20*th April* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Mr. Bright.
Mr. Leatham.	The O'Conor Don.
Mr. Locke.	Mr. William Henry Smith.
Mr. Raikes.	Mr. Graves.
Mr. Edward Egerton.	Mr. Cross.
Mr. Villiers.	Mr. Dalglish.
Mr. James.	Sir Frederick Heygate.
Mr. Staveley Hill.	Sir Michael Hicks Beach.
Mr. Brand.	

Mr. *Robert Stanley*, Mr. *James Saville*, Mr. *James Hampson*, Mr. *John Wilson*, Mr. *Samuel Storey*, and Mr. *Edward West*, severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 23*rd April* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.
Mr. Gathorne Hardy.
Mr. Graves.
Mr. Staveley Hill.
Mr. Leatham.
Mr. Hunt.
Mr. Cross.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.
Mr. Brand.
Mr. Edward Egerton.
Mr. James.
The O'Conor Don.
Mr. Bright.
Mr. Howes.
Mr. Dalglish.
Sir Michael Hicks Beach.
Mr. Fawcett.
Mr. Locke.

Mr. *Edward West* further examined.

Mr. *Frank Johnston* examined.

The Committee deliberated.

Mr. *Frank Johnston* further examined.

Mr. *James Briggs*, and Mr. *A. B. Forwood*, severally examined.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 27*th April* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.
Mr. Leatham.
Mr. Cross.
Sir Michael Hicks Beach.
Mr. Locke.
Mr. Gathorne Hardy.
Mr. Edward Egerton.
Mr. Hunt.
Mr. Staveley Hill.
Mr. Graves.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.
Mr. Raikes.
Mr. Brand.
Mr. Bright.
Mr. Howes.
The O'Conor Don.
Mr. James.
Mr. Fawcett.

Mr. *Henry Thomas Darnton* examined.

The Committee deliberated.

Mr. *Henry Davies*, Mr. *James Kirk*, and Mr. *Thomas Troughton*, severally examined.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 30*th April* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.
Mr. Leatham.
The O'Conor Don.
Mr. James.
Mr. Brand.
Mr. Hunt.
Mr. Edward Egerton.
Mr. Villiers.
Mr. William Henry Smith.
Mr. Gathorne Hardy.
Mr. Dalglish.
Mr. Cross.
Mr. Locke.
Mr. Raikes.
Mr. Staveley Hill.
Sir Michael Hicks Beach.

The Committee deliberated.

Mr.

Mr. *Thomas Troughton* further examined.

Major *Robert Bush*, Mr. *Frederick Stokes*, Lieut. Colonel *Edward Hill*, and Mr. *Thomas Colborne*, severally examined.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 4th May 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Mr. Gathorne Hardy.
Mr. Hunt.	Mr. Whitbread.
Mr. Leatham.	Mr. Locke.
Mr. Cross.	Sir Frederick Heygate.
Mr. Edward Egerton.	The O'Conor Don.
Mr. Brand.	Mr. Raikes.
Mr. Villiers.	Mr. James.

Mr. *John Hughes*, Mr. *Robert Ascroft*, Mr. *Daniel Collen*, Mr. *Arthur Cheese*, and Mr. *Williams*, severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 7th May 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Mr. Fawcett.
Mr. Leatham.	Mr. James.
The O'Conor Don.	Mr. William Henry Smith.
Mr. Raikes.	Mr. Whitbread.
Mr. Cross.	Mr. Edward Egerton.
Mr. Brand.	Mr. Bright.
Mr. Villiers.	Mr. Dalglish.
Mr. Gathorne Hardy.	Sir Michael Hicks Beach.
Mr. Graves.	Mr. Howes.

Mr. *Joseph Murphy*, Mr. *Richard Raleigh*, and Mr. *Herbert Thomas*, severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 11th May 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Mr. Whitbread.
Mr. Leatham.	Mr. Dalglish.
Mr. Staveley Hill.	Mr. Fawcett.
Sir Michael Hicks Beach.	Mr. Howes.
Mr. Edward Egerton.	Mr. Brand.
Mr. Hunt.	Mr. William Henry Smith.
Mr. Gathorne Hardy.	The O'Conor Don.
Mr. Bright.	Mr. Cross.
Sir Frederick Heygate.	

Mr. *Alexander Russel* examined.

[Adjourned till Tuesday, 1st June, at Twelve o'clock.

Tuesday, 1*st June* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Sir Michael Hicks Beach.
Mr. Edward Egerton.	Mr. Villiers.
Mr. Leatham.	Mr. Bright.
Mr. Gathorne Hardy.	Sir Frederick Heygate.
Mr. Cross.	Mr. Whitbread.
Mr. Brand.	Mr. Howes.
Mr. James.	Mr. Graves.
The O'Conor Don.	Mr. Dalglish.
Mr. Locke.	

Mr. *J. H. M*ᶜ*Gowan*, Mr. *Thomas Harris*, and Mr. *George William Latham*, severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 4*th June* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Hunt.	Sir Frederick Heygate.
Sir George Grey.	Mr. Raikes.
Mr. Graves.	Mr. James.
Mr. Leatham.	Mr. Gathorne Hardy.
Mr. Staveley Hill.	Mr. Bright.
Mr. Villiers.	Mr. Fawcett.
Mr. Brand.	Mr. William Henry Smith.
Sir Michael Hicks Beach.	Mr. Dalglish.
The O'Conor Don.	Mr. Edward Egerton.

Rev. *Michael Daniel Jones*, Mr. *James Spaight*, and Mr. *J. Ellard*, severally examined.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 8*th June* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

The O'Conor Don.	Mr. Locke.
Mr. Hunt.	Mr. Bright.
Sir Frederick Heygate.	Mr. Raikes.
Mr. Whitbread.	Mr. James.
Mr. Villiers.	Mr. William Henry Smith.
Mr. Gathorne Hardy.	Mr. Edward Egerton.
Sir Michael Hicks Beach.	Mr. Cross.
Mr. Graves.	Mr. Leatham.

Mr. *William E. Otto*, Major General *M*ᶜ*Murdo*, Mr. *James Kennedy*, and Captain *Carthew Yorstown*, severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 11*th June* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.
Mr. Leatham.
Mr. Brand.
Mr. Whitbread.
Mr. Villiers.
The O'Conor Don.
Mr. Hunt.
Mr. Staveley Hill.
Mr. Howes.
Sir Frederick Heygate.
Mr. Gathorne Hardy.
Mr. Cross.
Sir Michael Hicks Beach.
Mr. Locke.
Mr. Edward Egerton.
Mr. James.
Mr. Dalglish.

Mr *William Scott* examined.

Mr. *W. E. Otto* further examined.

Mr. *J. Norwood*, Mr. *Christopher Harkness*, and Mr. *William Jones*, severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 15*th June* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Leatham.
Mr. Edward Egerton.
The O'Conor Don.
Sir George Grey.
Mr. Cross.
Mr. Locke.
Mr. Raikes.
Mr. James.
Mr. Brand.
Sir Frederick Heygate.
Mr. Whitbread.
Mr. William Henry Smith.
Mr. Graves.
Mr. Dalglish.
Sir Michael Hicks Beach.
Mr. Hunt.
Mr. Howes.
Mr. Villiers.

Rev. *John M'Dermot* and Colonel *R. R. Torrens*, a Member of the House, severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 18*th June* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.
Mr. Leatham.
Mr. Brand.
Mr. Cross.
Mr. Gathorne Hardy.
Mr. Hunt.
Mr. James.
Mr. Staveley Hill.
Mr. Villiers.
Mr. Bright.
The O'Conor Don.
Sir Frederick Heygate.
Mr. Dalglish.
Sir Michael Hicks Beach.
Mr. Whitbread.
Mr. Raikes.
Mr. Edward Egerton.
Mr. Locke.
Mr. Fawcett.

Mr. *F. Dutton*, Mr. *John Irving*, and Mr. *George Ward Hunt*, a Member of the Committee, severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 22nd June 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Mr. Edward Egerton.
Mr. Gathorne Hardy.	Mr. Cross.
Mr. Hunt.	Mr. Whitbread.
Sir Michael Hicks Beach.	Sir Frederick Heygate.
Mr. Graves.	Mr. Bright.
The O'Conor Don.	Mr. William Henry Smith.
Mr. Leatham.	Mr. Dalglish.
Mr. Locke.	Mr Brand.

Mr. *George Verdon*, Mr. *W. Paterson Muir*, and Mr. *A. S. Hankel*, severally examined.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 25th June 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Hunt.	Mr. Cross.
Mr. Gathorne Hardy.	Mr. Raikes.
Mr. Leatham.	Mr. Edward Egerton.
Sir George Grey.	Mr. James.
Sir Frederick Heygate.	Mr. Bright.
Mr. Brand.	Mr. Locke.
The O'Conor Don.	Mr. William Henry Smith.
Mr. Fawcett.	Sir Michael Hicks Beach.
Mr. Villiers.	

Sir *Charles Wentworth Dilke*, a Member of the House, and Mr. *Arthur Arnold* severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 29th June 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Hunt.	Mr. Cross.
Mr. Leatham.	Mr. Edward Egerton.
Sir Frederick Heygate.	Mr. Gathorne Hardy.
Sir George Grey.	Mr. Graves.
Mr. Brand.	Mr. William Henry Smith.
The O'Conor Don.	Mr. Whitbread.
Mr. Villiers.	Mr. Bright.
Mr. Staveley Hill.	Mr. Locke.
Mr. James.	Sir Michael Hicks Beach.

Mr. Baron *Martin* and Mr. Justice *Willes* severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 2nd July 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Villiers.	Mr. Cross.
Sir George Grey.	Mr. Graves.
The O'Conor Don.	Mr. Raikes.
Mr. Leatham.	Mr. Edward Egerton.
Sir Frederick Heygate.	Mr. Locke.
Mr. Brand.	Mr. Howes.
Mr. Staveley Hill.	Mr. Whitbread.
Mr. Gathorne Hardy.	

Mr. *J. F. Vesey Fitzgerald* and Major *J. W. Percy* severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 6th July 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Hunt.	Mr. Locke.
The O'Conor Don.	Mr. William Henry Smith.
Mr. Leatham.	Mr. Bright.
Mr. Edward Egerton.	Mr. Whitbread.
Sir George Grey.	Sir Frederick Heygate.
Mr. Cross.	Mr. Howes.
Mr. Gathorne Hardy.	Sir Michael Hicks Beach.
Mr. Villiers.	

Right Rev. Dr. *George Butler* examined.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 9th July 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Hunt.	Mr. James.
Mr. Leatham.	Mr. Fawcett.
Mr. William Henry Smith.	Mr. Whitbread.
The O'Conor Don.	Mr. Villiers.
Sir Frederick Heygate.	Mr. Graves.
Mr. Brand.	Mr. Howes.
Mr. Edward Egerton.	Mr. Locke.
Mr. Raikes.	Sir Michael Hicks Beach.

The Lord *Strathnairn* (attending by permission of the House of Lords), Colonel *Wilson Patten*, a Member of the House, and Mr. Justice *Blackburn*, severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 13*th July* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Leatham.	Mr. Raikes.
Mr. Gathorne Hardy.	Sir Michael Hicks Beach.
Mr. Hunt.	Mr. Edward Egerton.
Mr. Brand.	Mr. Howes.
Mr. Villiers.	Sir Frederick Heygate.
Mr. James.	Mr. Bright.

Mr. *Francis Taylor*, Mr. *J. W. Probyn*, Mr. *W. N. Hodgson*, a Member of the House, Mr. *John Scott Armstrong*, Mr. *Thomas Richardson*, Mr. *William Corbett*, and Mr. *John Irving*, severally examined.

[Adjourned till Friday next, at One o'clock.

Friday, 16*th July* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Mr. Leatham.
Mr. Raikes.	Mr. Villiers.
Mr. James.	The O'Conor Don.
Mr. Edward Egerton.	Sir Michael Hicks Beach.
Mr. Brand.	Mr. Bright.
Mr. Cross.	Mr. Staveley Hill.
Mr. Graves.	Sir Frederick Heygate.

Mr. *T. Broughton Edge* examined.

The Committee deliberated.

[Adjourned till Friday next, at One o'clock.

Friday, 23*rd July* 1869.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Villiers.	Mr. Leatham
Mr. Edward Egerton.	The O'Conor Don.
Mr. Hunt.	Mr. Howes.
Mr. Gathorne Hardy.	Mr. Whitbread.
Mr. Locke.	Sir Frederick Heygate.
Mr. Raikes.	Mr. James.
Mr. Graves.	Sir Michael Hicks Beach.
Mr. Dalglish.	Mr. Cross.
Mr. Bright.	Mr. Fawcett.
Sir George Grey.	Mr. William Henry Smith.
Mr. Brand.	

RESOLUTIONS to be proposed by the *Chairman*, read, as follows:—

"MUNICIPAL ELECTIONS.

"1. THAT it has been proved to your Committee, that in the Municipal Elections of many Boroughs in England and Ireland, extensive corruption by bribery and treating exists.

"2. That the present law relating to Corrupt Practices at Municipal Elections may be in some respects beneficially amended.

"3. That, in the opinion of your Committee, no such amendment of the law will effectually check the above-mentioned corrupt practices.

"4. That

"4. That there is reason to believe that a system of Secret Voting would tend to check the above-mentioned corrupt practices; and your Committee recommend its adoption.

"PARLIAMENTARY ELECTIONS.

"1. THAT it has been proved to your Committee, that, in many Boroughs in England and Ireland, corruption by bribery and treating has largely prevailed in Parliamentary Elections.

"2. That it has not been proved to your Committee that corruption has prevailed in County Parliamentary Elections.

"3. That both in County and Borough Parliamentary Elections in the United Kingdom, undue influence in various forms, such as intimidation by landlords, by employers, and by mobs, and spiritual influence exercised by ministers of religion, has prevailed to a considerable extent.

"4. That the following are the principal remedies which have been proposed: the adoption of a system of secret voting; the use of voting papers, and the multiplication of polling places.

"5. That a large majority of the witnesses who have been examined have advocated the Ballot, on the ground that it would secure greater freedom, tranquillity, and purity at elections, and that it is proved to your Committee that a great number of voters of all political opinions desire its adoption.

"6. That it has been proved to your Committee that, both in the Colonies and in several continental States, systems of secret voting are in operation, which ensure the protection of absolute secrecy to such voters as desire it.

"7. That many of the above-mentioned systems appear to be sufficiently simple to be easily worked, and to be open to no objections on the ground of special liability to fraud, or the commission of any corrupt practices.

"8. That the adoption of the Ballot appears to tend greatly to the tranquillity of elections.

"9. That the adoption of voting papers in County or Borough Parliamentary Elections is not desirable.

"10. That, in the opinion of your Committee, the multiplication of polling places would tend to the greater tranquillity of elections, and to the diminution of their expense.

"11. That, in the opinion of your Committee, public nominations are unnecessary, and may be dispensed with."

RESOLUTIONS to be proposed by Mr. *Bright*, read, as follows:—

"1. THAT the evidence given before this Committee shows that extensive corruption, in the form of bribery and treating, prevails in many municipal boroughs. That practically there is no remedy for illegal elections to town councils, as there is no tribunal for the trial of election petitions; and that punishment for corruption is rarely inflicted. That the character of town councils is thus greatly damaged, and the objects of the Municipal Act are in part frustrated.

"2. That from the Reports of Parliamentary Committees, from the declarations of the judges appointed to try election petitions, and from evidence given before this Committee, it is proved that bribery and treating are practised in many Parliamentary boroughs. That intimidation of voters is common in many individual cases, and that the free exercise of the franchise is interfered with by mobs organised for the purpose. That elections are often accompanied by violence and tumult, and that riots of a serious character occur at elections in very many boroughs, especially in England and Ireland.

"3. That the nomination of candidates is frequently attended with riot, and that the object of a public nomination is often defeated or interrupted by the tumult which arises from the assembling of large crowds of excited and angry partisans; that drunkenness and violence on these occasions bring discredit on our electoral system, and prevent the free expression of the opinion of the constituencies.

"4. That from evidence given before this Committee it is proved that undue influence prevails in many counties, interfering with the just rights and liberties of electors. That the cost of elections in counties is excessive and burdensome, partly from the scarcity of polling-places, causing great expense in the conveyance of voters, and partly from fees paid to legal agents scarcely distinguishable from bribery and other forms of corruption.

"5. That in the opinion of this Committee these grievances demand the early and earnest attention of Parliament; and that it would tend greatly to promote the freedom

and purity and tranquillity of elections if the following changes were made in our electoral system:—

"1st. That, with regard to municipal elections, a simple and speedy mode of trial of election petitions should be established by law, and a more summary mode of punishment enacted for bribery and treating at such elections.

"2nd. That the preliminary election for counties and boroughs by public nomination should be abolished, as no longer necessary for the purpose for which such nominations have hitherto been held and practised.

"3rd. That, in order to prevent disorder at elections, whether in municipal boroughs or at Parliamentary elections in counties and boroughs, there is much evidence to show that the discontinuance of open voting, and the substitution for it of secret voting, or vote by ballot, would be of great advantage. That the great weight of evidence given before this Committee leads to the conclusion that this change in the mode of voting would not only promote the tranquillity of elections, but would also secure the voters from undue influence and intimidation, and introduce into elections a freedom and a purity which it is difficult, if not impossible, to secure under the present system of open voting.

"4th. That the hiring of rooms in public-houses for committee-rooms during elections is a fruitful source of expense and of corruption, and should be discountenanced and forbidden by law."

RESOLUTION to be proposed by Mr. *Hardy*, read, as follows:—

"That it has been proved to the Committee, there is no sufficient remedy at present for the recovery of compensation for damage inflicted by mobs upon property; and it is desirable to improve the law on that subject."

RESOLUTIONS to be proposed by Mr. *Hunt*, read, as follows:—

"1. That, in order to prevent disorder at elections, whether in municipal boroughs or at Parliamentary elections in counties and boroughs, the weight of the evidence given before this Committee leads to the conclusion, that the discontinuance of open voting and the substitution for it of secret voting would be of great advantage.

"2. But, with a view to remedy existing abuses, your Committee attach much more importance to the preservation of secrecy during the election, and particularly during the polling day, than to any attempt to preserve it when the election is over, which, to judge by the experience of other countries, would hardly ever be attended with success.

"3. That, in case of a system of ballot being adopted, it would be desirable, in order to secure the detection of bribery, and to prevent any suspicion attaching to the officers charged with the custody of the ballot-box and to the returning officer, that means should be devised for allowing proof of the vote of each elector, in the event of the election being challenged on petition.

"4. That the principle hitherto maintained by the supporters of open voting, that the franchise is a trust rather than a right, might, without prejudice to any substantial advantages to be derived from the adoption of the ballot, be asserted by the publication of the poll, or by the deposit of the same at some public office for reference, at some sufficient interval of time after the election, when all excitement arising out of it had passed away."

RESOLUTIONS to be proposed by Mr. *Fawcett*, read, as follows:—

"1. That it seems to your Committee that it will tend to the purity of Parliamentary elections, and to the economical conducting of them, if the necessary expenses of them be borne by local rates, due precaution being taken to discourage fictitious candidature.

"2. That your Committee is of opinion that the employment of paid canvassers and agents should be prohibited."

RESOLUTIONS to be proposed by Mr. *James*, read, as follows:—

"1. That it appears to this Committee, that it will be expedient that every candidate should, previous to the election, make a declaration on oath that he has not been, and will not be, a party to any corrupt practice in relation to such election.

"2. That it is desirable that severer penalties than now exist should be imposed, and readier means of enforcing them provided, for the purpose of checking corrupt practices at Municipal elections.

"3. That the time for presenting election petitions should be extended."

RESOLUTIONS to be proposed by Mr. *Howes*, instead of Nos. 4, 7, 8, 9, of those to be proposed by the Chairman, or of No. 3, to be proposed by Mr. *Bright*, read, as follows:

"1. That publication of the state of the poll during the time of taking the votes at any election be discontinued and prevented.

"2. That much evidence has been adduced before the Committee in favour of the Ballot, or some other method of secret voting.

"3. Your Committee are not prepared to recommend any such method, not being satisfied that the cases in which the Ballot is alleged to have succeeded are parallel with that of the United Kingdom, or that its introduction into the electoral system of this country would effectually remove all the now existing evils, and would not introduce other and more serious evils."

RESOLUTIONS to be proposed by Sir *Frederick W. Heygate*, read as follows:—

"1. THAT bribery and treating at contested elections principally occur during the last few hours, and in the excitement existing before the close of the poll.

"2. That the ballot as practised in America and France is not secret voting, nor pretended to be so. That in America it does not ensure freedom and purity of election, nor obviate the evils of bribery, treating, and especially of intimidation.

"3. That in France and many continental countries the electors have never been accustomed to the open exercise of the franchise, or to the responsibility of a public avowal of their opinions.

"4. That in the Colonies, and especially in South Australia (the system of ballot in which Colony appears to your Committee to be the best of all laid before them) the ballot seems to be principally valued as a protection to the intelligent and independent voter against the pressure of trade unions.

"5. It was also shown to your Committee, that owing to a variety of peculiar circumstances, the political condition of the Colonies bears little or no analogy to that of Great Britain.

"6. That the evils proved to exist in contested elections may be largely, if not entirely, cured by the non-publication of the hourly state of the poll during the day of election, by the abolition of public nominations, by prohibiting the hire of rooms at public-houses during elections, and by a large multiplication of the number of polling-places.

"7. That it is matter of regret that Her Majesty's troops should ever be employed at Irish elections. So long, however, as strong political and religious feelings exist in Ireland, it is obvious that the peaceful access to and conduct at the poll, with the present limited number of polling-places, can only be secured by a large force of constabulary, assisted when necessary by the military; but the Committee strongly recommend the constant presence of a stipendiary magistrate with the military, whenever so employed."

DRAFT REPORT, prepared by the Chairman, read, as follows:—

"MUNICIPAL ELECTIONS.

"IT has been proved to the Committee, that in many boroughs in England and Ireland great corruption prevails. In some boroughs, it appears that a considerable class of voters will not vote unless they are paid; that this fact is so well known that the pure portion of the constituency, aware that the corrupt element is large enough to be able to turn the election, holds aloof altogther. Treating is also practised at municipal elections to a great extent. In some instances the bribery takes the form of payment by drink tickets instead of money; and more frequently the election is accompanied by an amount of drinking which is described as demoralizing to the town.

"Other corrupt practices prevail, but apparently to a minor extent. In some cases rioting takes place on the polling day, and the voters are prevented from reaching the polling-booths. There is no evidence to show that intimidation of individual voters is practised. In some cases it seems that the corrupt influences which are at work in a Municipal Election are carried on with a view of influencing the Parliamentary Elections. which, in the case of the last General Election, followed the former almost immediately, The fear of invalidating the return of a Member, on account of the illegal practices of his agent, has had the effect of turning the attention of unscrupulous partisans to the Borough Election, as safer ground on which to build up a corrupt influence among the lower classes of voters. In many cases, however, party spirit, without any ulterior object, appears sufficient to cause an extensive use of the corrupt practices above referred to.

"A feeling exists, though not a sufficiently strong feeling to lead to any active proceedings, that this state of things is discreditable; and the educated and respectable inhabitants would gladly see measures adopted which would put a stop to it.

"Under the existing law, civil proceedings may be taken in the county court against persons for corrupt practices at Municipal Elections.

"Such corrupt practices, however, unless committed by the person returned as a member of the council, do not invalidate the election; and there appears to be a want of a sufficient stimulus or motive to induce any one to incur the odium which would result from an attempt to put the law in operation.

"At any rate, it may be safely asserted that in many boroughs the existence of corrupt practices is notorious; but the cases in which proceedings under the Act have been taken are very rare, and the result of such proceedings has not been such as to encourage their more general adoption. Suggestions have been made for remedying this evil.

"1st. By the enactment of some more simple form of procedure.

"2nd. By the appointment of a public prosecutor.

"3rd. By the assimilation of the law relating to corrupt practices at a Municipal Election, and that relating to the same practices at Parliamentary Elections, and the adoption of a procedure by which a member of the council, owing his election to corrupt practices on the part of his agent, should lose his seat.

"4th. By the adoption of secret voting.

"With regard to the 1st, it is difficult to find any more simple or inexpensive tribunal before which such cases could be tried than the county court. The constitution of the borough bench is admitted, in many cases, not to be such as would provide an impartial tribunal. In boroughs where there is a stipendiary magistrate, the objection which have been urged against the trial of election petitions by the judges would apply with greater force to the employment of this officer in the trial of municipal petitions.

"As to the 2nd, the institution of a public prosecutor would be an innovation of doubtful expediency. The difficulty of obtaining evidence, on account of the unpopularity attaching to the raking up of charges made in the excitement of an election when that excitment had passed away would not be diminished by the appointment of a public prosecutor; and as the costs of a public prosecutor would fall upon the borough, the unpopularity of any party coming forward to give evidence in its support would be increased.

"The 3rd suggestion does not appear to be objectionable; and we see no reason why power to take proceedings in the nature of a petition against the return of a town councillor before the judge of county court should not be given; the penalties, &c. against the person proved guilty of corrupt practices now recoverable being retained.

"4th. There appears to be a very general concurrence of opinion that a system of secret voting would be a great improvement on the present one. It is generally admitted that nothing can be worse than the present system, which affords the very largest facilities for bribery, intimidation, tampering with voting papers, and, in short, for every conceivable corrupt practice.

"Whether secret voting would altogether put an end to bribery at these elections cannot be positively asserted until the experiment has been tried, but it can hardly be doubted that the uncertainty in the mind of the briber, as to the receipt of the vote for which he had paid, would exercise a powerful deterring effect upon him. The chief argument which has usually been employed against secret voting can scarcely be held to be applicable in this case. A municipal vote cannot be considered as a trust held by the voter for others. The municipal franchise is in the possession of almost all who have an interest in the prosperity of the borough, and the chief object now to be attained appears to be that the privilege should be exercised without the intervention of any improper external influence, and without exposing the voter to any unnecessary temptation to make a corrupt use of it."

"Parliamentary Elections.

"Boroughs.

"With regard to Parliamentary Elections in Boroughs the Committee have examined many witnesses, but have elicited no facts which had not been frequently established before Committees of the House and before the Judges who have been engaged during the present Session in the trial of Election Petitions. The returns in the Appendix to this Report show that both in former and in the last Elections various corrupt practices, of which bribery and treating were the chief, have prevailed, and to such an extent as to invalidate many Elections. It cannot be supposed that either now or formerly have the whole of such practices been brought to light, and it is therefore certain that a very considerable amount of corruption in its grossest forms has existed and now exists. It has been stated by witnesses that in some instances rioting has occurred on the nomination and polling days to such an extent as to interfere with the freedom of the Election. In a much larger class of cases it is asserted that an Election is invariably accompanied by a great

a great amount of drinking, followed by disorder, which, if not serious, is at least discreditable to the town, and most offensive to the great majority of the inhabitants.

"It is difficult to arrive at the truth in the matter of the allegations of intimidation of workmen by masters, of tenants by landlords, of tradesmen by customers, and of working men by each other. That such intimidation is not extensively practised in a mode capable of legal proof is evident from the rarity of cases when a return has been set aside on this ground. But that it is practised in some slightly disguised forms and in a manner difficult of proof before a legal tribunal, cannot be doubted. We have examined many witnesses who have alleged the existence in the boroughs with which they were acquainted of intimidation of each kind above described. As soon as this evidence has been published in the local papers, applications have been received that witnesses on the other side should be examined, who have denied all the changes brought against themselves, but have usually attributed precisely the same or similar practices to their opponents. It is certain, at least, that whether intimidation is extensively practised or not, the fear of it widely prevails among that class of voters who are liable to its influence. The system of canvassing which notoriously prevails in many if not most boroughs, especially in the smaller constituencies, is a system of working upon voters through private considerations, whether of interest, hope, or fear, for political purposes, and is thus a system in which undue influence in a modified form is almost invariably practised.

"Counties.

"The Committee have had much less evidence relating to County Elections. The returns above referred to show that as compared with Borough Elections, a very small number have been called in question before Committees or the Judges. This fact proves, in the opinion of the Committee, that they have been in the main free from bribery or corrupt treating, for we know of no reason why, if the law had in these respects been habitually broken, attempts should not have been made to set aside the election by means of petitions.

"It is, however, alleged that intimidation and undue influence are very largely practised in county elections, and evidence from Wales and Scotland, to the effect that tenants have been actually turned out of their farms on account of their votes, has been brought before us to substantiate the allegation. It is difficult for a Committee examining witnesses, not upon oath, and without the services of any persons who act in the character of counsel for the prosecution or defence, to form an opinion worth much, on disputed matters of fact; and contradictions more or less specific, have generally been advanced against the charges which have been made. The Committee have endeavoured to investigate one or two of these cases, but they have found themselves involved in inquiries, which unduly protracted their proceedings, and did not promise to lead to any thoroughly satisfactory result. In a few instances, the allegations have not been contradicted, and although we are not in a position to assert that direct coercion by landlords is general, there can be no doubt that it does to a certain extent exist. But it is equally certain that an influence, exceeding in a greater or less degree the legitimate influence which a popular and respected landlord must always exercise in his neighbourhood, is very generally brought to bear on tenant farmers, and other dependent voters in agricultural districts. The agent frequently holds language which the landlord would shrink from using, but which the latter does not think it necessary to disown. An instance was given by Mr. Latham in his evidence, where tenants who had signed the requisition to a candidate, all voted with their landlord against that candidate; another, where no tenant on the estate would promise the same candidate a vote until they had received an assurance from their landlord that they might vote as they pleased, on receiving which they all both promised and voted for the candidate opposed to the landlord's politics. We believe that similar cases are to be found in every county; and it is, in fact, notorious that political agents or canvassers scarcely take the trouble to inquire about the politics of tenant farmers, but count them at once as so many votes on the side to which the landlord belongs. The inducement to vote with the landlord may frequently proceed rather from the hope of future advantages to be conferred than from the fear of injury to be inflicted; but of whichever character the inducement may be, we think that the influence so exercised comes under the description of undue influence, and, as such, ought, if possible, to be checked.

"The different political and social conditions existing in England, Scotland, and Ireland, produce some differences in the character of their elections, and of the influences at work in them, which ought to be noticed. In England and Ireland it has been already stated, that the Borough Elections, both Municipal and Parliamentary, are often extremely corrupt. In Scotland, it is stated, without contradiction, that bribery is almost unknown. This is attributed partly to the superior education of the Scotch people; partly to the fact that the constituencies being comparatively new, there exists no corrupt class, such as in many English and Irish boroughs, long familiar with the traditions of bribery, has not only preserved in itself, but spread through the whole constituency the desire for a large and corrupt expenditure.

"In each of the three countries it is alleged that intimidation by landlords prevails. In England the tenants either do not desire or do not dare to vote against the wishes of their landlords, and except in individual cases comply with their wishes. In Scotland the former have in many instances voted almost in a body against their landlords. This independence has been attributed partly to the nature of the relations between landlord and tenant in Scotland, which are of a more strictly commercial character than in England, partly to the fact that the Scotch tenant farmers have recently taken a very warm interest in certain questions in which they consider that their own and their landlord's interests are not identical.

"In Ireland, again, the influence of the landlord is by no means undisputed. It is opposed by the equally powerful influence of the Roman Catholic clergy. Organized mobs also appear to be an almost generally recognised part of the system of conducting an Irish election. The object of their employment is either to intimidate an unwilling voter, or one who is supposed to be under coercion, so as to force him to vote on the side of the popular party, or to prevent, by physical force, the voters of the opposite side from reaching the poll. To so great an extent is this system carried, that the employment of troops at elections, which in England or Scotland is almost unknown, is the ordinary rule at an Irish election. The military force in the country is disposed before a general election with a view to that event, and not only are the troops employed to preserve order at the polling places, but escorts are frequently given on the requisition of candidates or their agents, for the purpose of protecting voters coming from a distance. Notwithstanding these precautions, scenes of violence, including loss of life, are not unfrequent. Mr. Justice Keogh, in his judgment on the Drogheda Election Petition, has given a most vivid description of the events which took place on the polling day, and of the utter absence of freedom of election in that case.

"As might be expected, the views of this state of things taken by Irish witnesses whom the Committee have examined, were extremely divergent.

"One party contends that Roman Catholic tenants would frequently, from conviction, or from feelings of attachment to a good landlord, desire to record their votes on his side; that in so doing they are exposed to spiritual intimidation from the clergy, and to the risk of violence from the mobs assembled by the influence of the priests, and directed by them; that these influences entirely destroy the freedom of action of the voter, and give an excuse for some amount of pressure on the part of the landlord. The other party maintains that the influence of the priests is only for the purpose of strengthening the determination of the voters to vote according to their convictions, notwithstanding the pressure which may be brought to bear on them; that Roman Catholic voters would never willingly oppose the cause espoused by the great majority of their countrymen and by their clergy; and that often the mob intimidation—the existence of which is admitted—is desired and invited by the supposed victims as an excuse for escaping from coercion of another character.

"The Committee cannot doubt that there is some truth in the assertions made by both parties; but looking to the fact that the landlords and tenants generally profess different religions, and that recent elections have frequently turned much on religious questions, we can hardly doubt that the influence which is first exercised, and which provokes, if it does not justify, the counter influences set in motion, is that of landlords and their agents. However this may be, the Committee are convinced that, under the present system of conducting elections, there exists in many boroughs and counties of Ireland no such thing as freedom of election, and they consider that some change is urgently required."

"Proposed Remedies.

"We now come to the consideration of the remedies which have been proposed for the evils and inconveniences, the existence of which is alleged.

"Of these, the abolition of public nominations, the prohibition of the employment of paid canvassers, the closing of public-houses on the nomination and polling days, the multiplication of polling places, voting papers, and secret voting are the chief. The opinion seems to be very general that public nominations, as they are now generally conducted, are both useless and mischievous. The addresses which are delivered are generally inaudible on account of the noise and tumult, and disturbances frequently commence on the nomination day which continued throughout the election. There is some slight convenience in the present practice, which in the case of an uncontested election, allows the proceedings to be gone through with as little delay and trouble to all concerned as is possible, but we think that the advantage of putting an end to many serious inconveniences and evils which have their origin on these occasions, would more than compensate for any trifling inconveniences which might be incurred by the change.

"So far as the tranquillity and purity of elections are concerned, we can feel no doubt that the closing of public-houses on the days of nomination and polling would be an unmixed advantage.

"The

" The witnesses whom we have examined have naturally looked upon the question almost entirely from this point of view, and we are unable to form an opinion whether the inconvenience to the public generally of such a measure would be great enough to outweigh its undoubted advantages. We think that there would be great difficulty in framing an enactment for the purpose of abolishing the use of paid canvassers. An election can scarcely be conducted without paid agents of some kind; and we know of no definition which would satisfactorily prescribe the limits within which such an agent should confine his exertions. Nor does there appear to be any good reason why candidates, or their agents, should not be permitted to canvass the electors privately at their homes as well as publicly at meetings. It is true—as we have stated above—that personal canvassing is generally accompanied by the use of considerable undue influence; but it is against the improper means employed to influence them, and not against the mere act of endeavouring to influence the electors that the efforts of the Legislature ought to be directed.

" A few witnesses have recommended the system of voting-papers. Their sole recommendation appears to be that the risk of riot on the polling day would be diminished. In our opinion, they would prevent none of the other evils of the present system, while they would tend to aggravate others by the facilities which they would give for bribery, for fraud, and for certain forms of intimidation.

" The adoption of secret voting or, as it is usually called, the Ballot, has been advocated by a large majority of the witnesses whom we have examined, and by witnesses not exclusively confined to either political party. It is recommended by some as a cure for all the evils of our electoral system, but it is admitted by others that some of them, such as bribery and treating, would be only indirectly affected by it.

" We have endeavoured to extend our inquiry beyond the theoretical arguments which are usually employed by the advocates and opponents of the ballot, and to ascertain how it has worked in the British Colonies, and in Foreign States where it has been adopted.

" With this view, we have examined witnesses from Victoria, New South Wales, South Australia, and Tasmania, and have also received evidence as to the systems in use in France, Italy, and Greece.

" The effect of this evidence has been to prove that where the ballot has been in operation, elections have been entirely free from intimidation, riot or disorder.

" It has also been proved that bribery and treating have been reduced to a minimum, that personal canvassing has been discouraged, and that the expense of elections has been diminished.

" The witnesses have been carefully examined in order to discover any defects which may exist in any of the various systems of balloting, or any abuses or disadvantages which may be inherent in any system of secret voting. We have failed to discover any defects which cannot be easily remedied, or any abuses to which open voting is not equally obnoxious.

" It remains to be considered, whether there are any special circumstances affecting our own elections, which make it probable that the ballot would either fail to secure the advantages which it offers in other countries, or would increase any of the existing evils.

" The principal objections which have been advanced against the ballot as applied to our own elections are—(1.) That it will do little to restrain the practice of treating: (2.) That it will increase bribery, by making it more difficult to detect: (3.) That it will be wholly inoperative in the case of spiritual intimidation such as that which is alleged to exist so extensively in Ireland.

" With regard to the 1st, we think that although the ballot might not effect much, an important check upon gross or extravagant treating might be placed by a more stringent enactment enforcing the publication of the real expenses of each candidate.

" As to the 2nd, it is true that in small constituencies a system of bribery, contingent upon the result of the election, might be successfully carried on; but, on the whole, we believe that the uncertainty of obtaining any return for a corrupt expenditure would tend to check bribery more than the difficulty of detection would decrease it.

" With regard to the 3rd objection, in the case of spiritual intimidation, we have the evidence of Roman Catholic clergymen to the effect that the confessional could not be used, directly, for the purpose of extracting from a parishioner an avowal of the way in which he had voted; and that if such knowledge was obtained by the priest, it would be impossible for him to make use of it to the disadvantage of the voter. We have also been told by witnesses, that although the Roman Catholic clergy may possess some influence, spiritual intimidation is not believed to exist among the Irish Roman Catholic voters in Australia, and that in Italy the influence of the priests on elections is supposed to be slight. If the opinion which we have expressed in the former part of this Report, as to the general state of the case in Irish elections, be correct, it is probable that the Roman

Catholic clergy would, under the ballot, cease to take so active a part as they now do in elections.

" The Committee have no reason to think that there is any special peculiarity in the character or condition of the populations by whom the ballot has been adopted which would lead us to infer that its introduction at elections in this country would be attended by results less beneficial than those which have attended it elsewhere.

" We have referred above to the extensive employment of troops at Irish elections. It would probably be impossible to discontinue it under the present system, but we must express our conviction that no freedom of election can exist where so large a part in the proceedings is taken by a military force. In our opinion, the ballot offers the only means which can enable the Government to put an end to the practice.

" On the whole, then, we believe that the ballot possesses many great advantages; that it would put an end to some of the evils of our electoral system, and that it would tend to mitigate rather than to aggravate those which it would not entirely remove.

" The multiplication of polling-places in counties has been recommended as a means of promoting the convenience of voters, of increasing the tranquillity and diminishing the cost of elections. We think that in combination with the ballot, and with the prohibition of the conveyance of voters by the candidate or his friends, these objects would be secured by the proposed change; but we apprehend that in combination with a system of open voting, the facilities for intimidation and undue influence would be considerably increased."

THE Committee deliberated:—Motion made, and Question proposed, " That the evidence be reported to the House, with a recommendation that the Committee be re-appointed next Session, for the purpose only of considering their Report with a view to early legislation "—(Sir *M. Hicks Beach*).—Amendment proposed, to leave out from the word " That " to the end of the Question, in order to add the words, " That although evidence has been tendered that the discontinuance of open voting, and the substitution for it of secret voting by ballot might be of advantage in preventing disorder at elections within Municipal or at Parliamentary elections in counties or boroughs, yet so much of the time of the Committee has been necessarily taken up in hearing evidence as to bribery, treating, &c. at both Municipal and Parliamentary elections, that it has not been possible to give that consideration to this branch of the inquiry which its importance demands.—1st. As to the precise nature and effect of the ballot in other countries.—2nd. As to how far the circumstances of those countries are the same as our own. And with a view to obtaining further evidence upon these points, the Committee recommends that the inquiry be resumed next Session, but so as to report in time for legislation if thought necessary "—(Mr. *Cross*)—instead thereof.—Question, That the words " the evidence be reported to the House, with a recommendation that the Committee be re-appointed next Session," stand part of the Question,—put, and *agreed to.*

Another Amendment proposed, to leave out the word " only," and at the end of the Question to add the words " taking further evidence if necessary "—(Mr. *Graves*).—Question, That the word " only " stand part of the Question,—put, and *agreed to.*—Main Question put, and *agreed to.*—*Resolved,* " That the evidence be reported to the House, with a recommendation that the Committee be re-appointed next Session, for the purpose only of considering their Report with a view to early legislation."

Report, in accordance with the above Resolution, *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From Whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Expenses of Journey to London and Back.	Allowance during Absence from Home.	Total Expenses Allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
John Barber	Mayor of Nottingham	Nottingham	2	2 2 –	2 2 –	4 4 –
Job Bradshaw	Ex-Town Councillor	- ditto	2	2 2 –	2 2 –	4 4 –
Sanderson Butler	Retired Lace Maker	- ditto	2	2 2 –	2 2 –	4 4 –
Henry Bleckly	Manufacturer	Warrington	2	2 19 –	2 2 –	5 1 –
Robert Addyman	Alderman	Leeds	2	2 19 –	2 2 –	5 1 –
Edwin Gaunt	Town Councillor	ditto	2	2 19 –	2 2 –	5 1 –
Thomas Trippier	Dentist	Liverpool	3	3 4 –	3 3 –	6 7 –
William Johnson	Flour Dealer	- ditto	3	3 4 –	3 3 –	6 7 –
Robert Stanley	Grocer	Stalybridge	2	2 18 –	1 10 –	4 8 –
James Saville	Bookkeeper	- ditto	2	2 18 –	1 10 –	4 8 –
James Hampson	General Agent	Ashton-under-Lyme	2	2 18 –	2 2 –	5 – –
John Wilson	Ironmonger	- ditto	2	2 18 –	1 10 –	4 8 –
Samuel Storey	Stuff Merchant	Bradford	2	3 1 –	2 2 –	5 3 –
William Ibbetson	Lithographer	- ditto	2	3 1 –	1 10 –	4 11 –
Arthur Bower Forwood	Shipowner	Liverpool	1	3 4 –	1 1 –	4 4 –
Henry Davies	Bookseller and Librarian.	Cheltenham	2	2 4 –	1 10 –	3 14 –
Robert Bush	Major in the Army	Bristol	2	2 10 –	2 2 –	4 12 –
Edward S. Hill	Shipowner	Cardiff	2	3 5 –	2 2 –	5 7 –
John Hughes	Boot and Shoe Maker	Liverpool	2	3 4 –	1 10 –	4 14 –
Joseph Murphy	Solicitor	Limerick	4	5 11 –	8 8 –	13 19 –
Richard Raleigh	Merchant	- ditto	4	5 11 –	4 4 –	9 15 –
James M'Gowan	Solicitor	Dumfries	3	5 4 –	6 6 –	11 10 –
John Ellard	- ditto	Limerick	4	5 11 –	8 8 –	13 19 –
Michael Jones	Independent Minister	Bala, North Wales	3	4 – –	3 3 –	7 3 –
James Spaight	Merchant	Limerick	3	- -	3 3 –	3 3 –
Thomas Harris	None	Llechryd, near Cardigan.	4	5 9 –	4 4 –	9 13 –
William E. Otto	Agent to Marquis of Lothian.	Edinburgh	3	6 1 –	3 3 –	9 4 –
Edward Fernie	Solicitor	Stafford	2	2 14 –	4 4 –	6 18 –
Montagu McMurdo	Major General	Dublin	3	5 9 –	3 3 –	8 12 –
James Kennedy	Agriculturist	Sanquhar, Scotland	3	7 – –	3 3 –	10 3 –
Carthew Yorstown	Captain	Dumfries	3	5 5 –	3 3 –	8 8 –
Christopher Harkness	Provost of Dumfries	Dumfries	3	5 4 –	3 3 –	8 7 –
William Jones	Land Agent	Ruabon	3	2 16 –	3 3 –	5 19 –
Rev. J. McDermot	R. C. Clergyman	Tubbercurry, County Sligo.	9	8 5 –	9 9 –	17 14 –
J. Norwood, LL.D.	Barrister-at-Law	Dublin	3	5 9 –	9 9 –	14 18 –
John Irving	Town Councillor	Carlisle	3	4 16 –	3 3 –	7 19 –
Alan Stewart Hankel	Merchant	Liverpool	3	3 4 –	3 3 –	6 7 –
John W. Percy	Resident Magistrate	Portumna	4	7 7 –	4 4 –	11 11 –
Right Rev. G. Butler	R. C. Bishop	Limerick	4	5 11 –	4 4 –	9 15 –
J. S. Armstrong	Builder	Carlisle	3	4 16 –	3 3 –	7 19 –
Thomas Richardson	Railway Guard	- ditto	3	3 11 6	1 10 –	5 1 6
William Corbett	Engine Fitter	- ditto	3	3 11 6	1 10 –	5 1 6
Alexander Russel	Editor of Newspaper	Edinburgh	3	6 1 –	3 3 –	9 4 –
				Total £.		213 1 –

LIST OF WITNESSES.

Tuesday, 6th April 1869.

PAGE

Mr. John Barber - - - - 1
Mr. Job Bradshaw - - - - 15
Mr. John Sanderson Butler - - 19

Friday, 9th April 1869.

Mr. Henry Darvill - - - - 22
Mr. James Herbert - - - - 41
Mr. Frederick Woodthorpe - - 43

Tuesday, 13th April 1869.

Mr. Henry Bleckly - - - - 47
Mr. Alderman Robert Addyman - 60
Mr. Edwin Gaunt - - - - 66

Friday, 16th April 1869.

Mr. Thomas Trippier - - - 69
Mr. William Johnson - - - 80

Tuesday, 20th April 1869.

Mr. Robert Stanley - - - - 89
Mr. James Saville - - - - 99
Mr. James Hampson - - - 100
Mr. John Wilson - - - - 109
Mr. Samuel Storey - - - - 110
Mr. Edward West - - - - 114

Friday, 23rd April 1869.

Mr. Edward West - - - - 117
Mr. Frank Johnston - - - - 124
Mr. James Briggs - - - - 130
Mr. Arthur Bower Forwood - - 152

Tuesday, 27th April 1869.

Mr. Henry Thomas Darnton - - 141
Mr. Henry Davies - - - - 146
Mr. James Kirk - - - - 156
Mr. Thomas Troughton - - - 162

Friday, 30th April 1869.

Mr. Thomas Troughton - - - 165
Major Robert Bush - - - - 166
Mr. Frederick Stokes - - - 174
Colonel Edward S. Hill - - - 181
Mr. Thomas Colborne - - - 182

Tuesday, 4th May 1869.

Mr. John Hughes - - - - 190
Mr. Robert Ascroft - - - - 193
Mr. Daniel Collen - - - - 193
Mr. Arthur Cheese - - - - 196
Mr. Ben Thomas Williams - - 204

Friday, 7th May 1869.

Mr. Joseph Murphy - - - - 206
Mr. Richard Raleigh - - - - 216
Mr. Herbert Thomas - - - - 219

Tuesday, 11th May 1869.

Mr. Alexander Russel - - - 225

Tuesday, 1st June 1869.

Mr. J. H. McGowan - - - - 234
Mr. Thomas Harris - - - - 243
Mr. George William Latham - - 250

Friday, 4th June 1869.

PAGE

Rev. Michael Daniel Jones - - 257
Mr. James Spaight - - - - 263
Mr. John Ellard - - - - 274

Tuesday, 8th June 1869.

Mr. William Ellison Otto - - - 280
Major General Montagu McMurdo, C.B. 289
Mr. James Kennedy - - - - 300
Captain Carthew Yorstown - - 303

Friday, 11th June 1869.

Mr. William Scott - - - 305. 321
Mr. William Ellison Otto - - - 309
Mr. John Norwood - - - - 312
Mr. Christopher Harkness - - - 324
Mr. William Jones - - - - 327

Tuesday, 15th June 1869.

Rev. John McDermot - - - 329
Lieut. Col. Robert Richard Torrens, M. P. - - - - - - - 338

Friday, 18th June 1869.

Mr. Francis S. Dutton - - - 353
Mr. John Irving - - - - 367
Right Hon. George Ward Hunt, M.P. 372

Tuesday, 22nd June 1869.

Mr. George Frederic Verdon, C. B. - 376
Mr. William Paterson Muir - - 391
Mr. Allan Stewart Hankel - - 394

Friday, 25th June 1869.

Sir Charles Wentworth Dilke, Bart., M. P. - - - - - - - 402
Mr. Arthur Arnold - - - - 416

Tuesday, 29th June 1869.

Sir Samuel Martin, Knight - - 423
Sir James S. Willes, Knight - - 436

Friday, 2nd July 1869.

Mr. John Foster Vesey Fitzgerald - 450
Major John William Percy - - 458

Tuesday, 6th July 1869.

Right Rev. George Butler, D. D. - 476

Friday, 9th July 1869.

Right Hon. Lord Strathnairn - - 491
Right Hon. Colonel J. Wilson Patten, M. P. - - - - - - - 499
Sir Colin Blackburn, Knight - - 507

Tuesday, 13th July 1869.

Mr. Francis Taylor - - - - 521
Mr. John W. Probyn - - - 530
Mr. William Nicholson Hodgson, M. P. 535
Mr. John Scott Armstrong - - 538
Thomas Richardson - - - - 541
William Corbett - - - - 543
Mr. John Irving - - - - 547

Friday, 16th July 1869.

Mr. Thomas Broughton Edge - - 548

MINUTES OF EVIDENCE.

Tuesday, 6th April 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Dalglish.
Mr. Edward Egerton.
Mr. Fawcett.
Sir George Grey.
Mr. Gathorne Hardy.
The Marquess of Hartington.
Sir Frederick Heygate.
Mr. Staveley Hill.
Mr. Howes.
Mr. Leatham.
Mr. Locke.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE MARQUESS OF HARTINGTON, IN THE CHAIR.

Mr. JOHN BARBER, called in; and Examined.

Mr. *J. Barber.*
6 April 1869.

1. *Chairman.*] I BELIEVE you are the Mayor of Nottingham?—I am, and I was also mayor last year.

2. Will you be so good as to tell the Committee the number of wards in the borough of Nottingham?—There are seven wards.

3. And the number of municipal electors in each?—In St. Ann's Ward there are 1,977; in Byron Ward, 1,330; in St. Mary's Ward, 639; in Exchange Ward, 1,008; in Castle Ward, 678; in Park Ward, 582; and in Sherwood Ward, 1,475: making a total of 7,689.

4. Can you also tell the Committee the number of Parliamentary voters?—14,168.

5. The limits of the Parliamentary and municipal borough being the same?—Yes; they are the same.

6. Is it a matter of notoriety, or general knowledge, that any portion of the municipal voters require payment?—It is perfectly notorious to everyone.

7. Have you formed any estimate of the proportion of electors who are open to bribery?—When I received an intimation that I should be requested to attend here, I had a general knowledge before of course, but I made a point of seeing persons, in each of the wards, who are termed managers, who generally manage the municipal elections, and I obtained from them their views. I took the precaution also to get that view corrected by other persons, and the result of my inquiry, upon which I can thoroughly depend, is that about one-third of the electors require money.

8. That is based, is it, upon particulars which you obtained from each ward?—Yes; the wards vary. In some wards, according to circumstances, the numbers are greater or less. I have taken the number in each ward, and I have got the total number as 2,320 that require money. Of course, if the amount of money given is small, there are a less number of persons who will take it, and the higher the price the larger the number.

9. Can you state to the Committee the number of voters who require money in each ward?—Yes. From information which I have received, and upon which I can thoroughly rely, having had communication with parties who have had the management of those matters for years in each ward, I have put down that, in St. Ann's Ward, there are 600 who would require money out of 1,977; in Byron Ward 500 out of 1,330. One of my informants said 600; but I prefer to put it at the lower amount. In St. Mary's Ward 250 out of 639; in Exchange Ward 300 out of 1,008; in Castle Ward 170 out of 678; in Park Ward, which is rather towards the west end of the town, 100 out of 582. One of my informants put the number at 150; but I think 100 is nearer the correct amount; and in Sherwood Ward 300 out of 1,475.

10. Is the corruption confined, in your opinion, to one particular class of voters, or does it extend throughout all classes?—If the payment is very small, it is the lowest class of people who take it; but when it gets higher up, then the better class of people take it; for instance, small shopkeepers and persons of that description.

11. What sort of sums are usually given at the municipal elections?—I will give an illustration of two elections in Byron Ward, and I have those

Mr. *J. Barber.*

6 April 1869.

facts from a party having the entire management of it, and knowing all about it; in 1867, that is last November but one, an election was tried on purity principles; the poll commenced at nine, and at 12 o'clock one side had polled less than 100 votes, and the other under 40; there being 1,330 voters in the whole ward; at 12 o'clock the 40 party offered 3 *s.* 6 *d.*; this caused a run, and the other side then offered 5 *s.*; which won the election. The following November, which was last November, in the same ward, not more than 200 had polled at 12 o'clock; 2 *s.* 6 *d.* was then offered, the place was at once besieged, the price rose to 5 *s.*, and at four o'clock 900 had polled; the effect of this is, that a great many of the respectable voters will not poll at all; they consider that the results of those contests is simply this, that those who give the most money win, and therefore they abstain from voting.

12. In the last election to which you referred, did both sides bribe?—Yes.

13. Giving the same price?—Yes, in all the cases pretty nearly the price one side was as high as on the other; I should explain that 2 *s.* 6 *d.* was first offered, and that the price then rose to 5 *s.*; which would be in consequence of course of the other side offering perhaps more than 2 *s.* 6 *d.*

14. Have you known larger sums than those given in municipal elections?—Yes; in 1844, from peculiar circumstances which caused the contest at that time, it was notorious that in one ward upwards of 2,000 *l.* was spent, but that produced a sort of re-action, and for some time the price was not so very large; but since then the state of things has been gradually getting bad again.

15. Which ward was that?—In 1844, it was the case in almost all the wards, but in Exchange Ward, particularly at that time, there was the largest amount of money spent.

16. Are there not a considerable number of voters who would not take 5 *s.* or 2 *s.* 6 *d.*?—Yes; of course the majority of the voters are not corrupt, but it is those bought voters that turn the election always, because, supposing there are 600 voters in the ward, and there are 200 of them that are corrupt, and that take money, they turn the poll either one way or the other.

17. I think I understand you to say, that if the price is raised, a very much larger number will then take the money?—Yes, that is the case; persons would take 10 *s.* or 1 *l.*; the temptation would be more than they could resist.

18. Do you think that a larger proportion would take 5 *l.*?—Yes, as the price rose, I believe the numbers taking would increase; and that has been proved to be the case.

19. Mr. *Villiers.*] Are we to understand that everybody has his price?—Just so; as before stated, in Castle Ward, at the last November election, the contest began by 5 *s.* being freely offered, and 25 *s.* to a very large extent was given before the close of the poll; in the contest in Exchange Ward in 1865, above 600 *l.* was spent, and I had that from one of the candidates; that is on one side only.

20. *Chairman.*] Does treating as well as bribery prevail to a great extent in the municipal elections in Nottingham?—Yes; the committee rooms, generally speaking, are at public-houses, and drinking to a very large extent prevails.

21. Do you mean previously to the election, or on the day of the poll?—To some extent, previously; but chiefly on the day of election, I think.

22. Are the elections managed by the candidates themselves, or by agents?—Generally by committees, and the managers of the ward, and frequently by the candidates themselves interfering, it depends very much upon who it is; there is no rule I think.

23. Is there any attempt to conceal the payment to voters?—Not the slightest; in the more glaring instances, the more unblushingly it is done, the less the attempt to conceal it; of course, when it is done moderately, it is done quietly, but there have been cases in which money has been paid in the street of the town.

24. In your opinion, has this system of corruption any considerable influence in deterring a respectable person from standing for the council?—Yes, very much so.

25. Has this system of bribery always existed within your recollection?—Yes, I think it has, more or less; before the Municipal Act was passed, there was a contest for a member of the town council, in which a very large sum of money was spent; the electors were then simply the freemen.

26. And the numbers were much smaller, were they not?—The numbers then would be in the town, very much what they are in one ward now.

27. Were they of the same class?—Perhaps not so many of the respectable class, inasmuch as there are more persons in the humble walk of life among the freemen than there are in the general community.

28. You would not say now, would you, that the corruption is confined to any one class in the community?—I do not think that any that we should call respectable persons would take it; I mean persons in a respectable walk of life; at least I am not aware of any such cases, but if the price gets up very much, the bribery exists very much amongst the lower class of shopkeepers; that is to say, small shopkeepers in the lower class of the town; that was particularly impressed upon me on Saturday night by one person that I went to, who had the management of one of the wards for many years; he said, "I wish you would bear in mind, that this is not simply confined to the poorest class, but the small shopkeepers are just as much open to it if they get their price."

29. Will you state to the Committee what is the system of nomination for a town councillor?—The plan is this; that on a certain day, I think it is three clear days before the day of polling, which is the 1st of November; supposing it is the November election, a nomination paper must be applied for, and sent in to the town clerk before 12 o'clock of that third day; I think great abuse exists from that system. It is a common practice at Nottingham, that persons will assemble in the evening of the day at a public-house, to talk over these matters, and they will send down for a lot of nomination papers, and for the sake of either a lark, or if there is not likely to be an opposition, to get up an opposition, they will nominate persons without their consent; the effect is, that if there is no opposition, all the apparatus must be got ready, and the arrangements made for polling just the same as if there was an opposition, and frequently opposition arises from that fact.

30. In fact, a gentleman may be put in nomination, and the poll may be opened without his consent?

consent?—Yes, quite without his consent; and if he is nominated, even if he advertises that he has not consented, the poll must be opened, and voting papers by the candidates that are really standing, must be sent out just as if there was a *boná fide* election.

31. The nomination of persons without their consent is not infrequent?—Constant; there is never a year without such cases, I think, and latterly especially. I have known half-a-dozen papers to be sent for to one public-house, and as many nominations sent out from that same room.

32. Would that be for one ward?—For different wards. They might send for seven papers, and make a nomination paper for each ward.

33. Do you think that this bribery which goes on in the municipal elections is ever resorted to with a view to the Parliamentary election?—I do not think it is very much in Nottingham. The question is the man's political party; it seldom turns upon local matters, or anything of that kind; all the elections almost turn upon political matters, as to whether the candidates are Liberal or Conservative, but I do not think it has much effect, or rather that I have seen anything done with a direct view to the Parliamentary election.

34. Have you considered any remedies for the state of things which you have described?—With respect to nomination papers, I think it would be a very good thing if there was a small fee to the town clerk put upon a nomination paper when it was sent for, a something that would prevent persons for the sake of a lark sending them out; and I think they should be returnable not before 12 o'clock at night, but before 4 o'clock, because those abuses arise frequently in the evening at public-houses, and if the nomination paper had to be sent in before four there would not be the same temptation to do that sort of thing. If there was a small fee upon the paper it would not be sent for merely for the sake of joking or larking.

35. Would you recommend that the consent of a person should be necessary in order to a nomination?—Yes, I think it would be desirable.

36. Mr. *Villiers.*] Must there be a contest if the person is named?—Yes; all the arrangements are made; the poll must be kept open one hour, and if any person in that hour chooses to come and vote for any particular party who may have been named without his consent, it must be open another hour, and must be open the whole day, so long as a person votes within the hour.

37. Mr. *Edward Egerton.*] Is a man who is nominated against his consent liable for expenses?—No, the expenses of the contest fall upon the town; that is, the expenses of the polling places; but the expense of sending the voting papers out, and all expenses of that kind rests upon the candidate.

38. *Chairman.*] Do you recommend any changes in the mode of voting?—There cannot be a worse plan than the present; I believe it was originally intended to be secret.

39. Will you describe what is the present mode of voting?—Each candidate, or his friends, or some one for him, sends to every voter a voting paper, filled up according to the Act of Parliament prescribing the form in which it shall be made out, and it is done so completely that every man's name is attached to it. The voting paper is filled up complete, but inasmuch as the parties would not know how they voted unless there was some distinct mark, each party takes care that their voting paper shall be known; so that if I go to poll, I go and hand my voting paper to the presiding alderman, and he has to hold it up and read the name of the party voting; but the scrutator can see the paper, and can tell who is voted for, and so it is as open as if the man declared who he voted for. When those papers are left at the houses they are, of course, more easily tampered with, for if a man will consent to have his voting paper filled up for him if he has 2 *s.* 6 *d.* given him, he will consent to have his voting paper filled up for a pint of ale. It pretends to be secret, but it is not, and it is liable to abuse.

40. Do each party prepare their own voting papers?—Yes, each party prepare their own voting papers. If a fictitious nomination is sent in, and I will suppose that a fictitious nomination is sent in against me, I should be compelled, or my committee would, to send out voting papers to the whole of the ward, not knowing whether the others would do so or not, therefore there would be the expense of printing and sending out voting papers, even though there was no real contest.

41. By a fictitious nomination, you mean the nominations which you have described, which are made without the parties consent?—Yes, and the whole thing is made rediculous by the kind of persons who are nominated. It is not that those people meet together and select suitable persons to be town councillors, but they select persons in such positions in the town as brings perfect ridicule upon the whole matter, and they are often nominated for that purpose.

42. Do you recommend any change in the mode of polling?—I have never myself been, till very lately, in favour of the ballot, but I am perfectly convinced now, that there is nothing that will check this thing, if secret voting can be established.

43. Has any consideration induced you to come to that opinion lately?—I have seen no other way to put a stop to this present system of things, and more especially since so very large a number of persons have been admitted into the Parliamentary register, I think it is necessary for the protection of the working men themselves from their own shopmates.

44. But that consideration does not apply particularly to the municipal elections now, more than it has done for the last two years?—No, the municipal elections have never been made a matter of question in the shops, as the Parliamentary elections have, there is not the same anxiety excited in the municipal election as to principle, it is simply a question of money.

45. Do you recommend any change in the law, with regard to the municipal elections?—It would be most desirable, if there could be some simple and speedy mode of bringing those matters, in case of bribery, to trial. I believe the present law is very inefficient for that purpose, inasmuch as no instances have occurred in Nottingham, and I do not remember having read or heard of any instance having occurred elsewhere, where the present law has been applied to the punishment of bribery. I think if there could be some clear and simple law, by which all those cases could be treated, it would be most desirable, and very much calculated to stop bribery.

46. I understand you to say that you have never known the provisions of the Act of 1859, against bribery at municipal elections attempted

Mr. *J. Barber.*

6 April 1869.

to be put in force?—Never, neither that nor the one of 1835, I think it is.

47. Are you aware of the provisions of the Act of 1859?—I think they can recover 40 *s.*; I cannot quote the Act at this moment, although I have read it, but I do not think there is anything that convicts the person for whom the bribing is done, unless he does it personally himself.

48. This is the clause in the 22nd of Victoria, chapter 35, section 11: "If any person at any election of mayor, councillors, auditors, or assessors for any borough, shall be guilty of bribery, he shall, for every such offence, forfeit the sum of 40 *s.* to any person who shall sue for the same in the county court, with full costs of suit; and any person offending in any case in which, under the Act or Acts for the time being in force with respect to the election of Members to serve in Parliament for boroughs in England and Wales, the name of the offender may be expunged from the list of voters, being lawfully convicted thereof, shall, for the term of six years, be disabled to vote in any election in such borough or in any municipal or Parliamentary election whatever, in any part of the United Kingdom; and shall, for such term, be disabled to hold, exercise, or enjoy any office or franchise to which he then shall, or at any time afterwards may be entitled as a burgess of such borough, as if such person were naturally dead"?—I think the person is not unseated under that Act of Parliament; if he is even proved guilty, he retains his seat.

49. It appears, under that clause, that he would be disqualified; but it appears, also, that he must be guilty of bribery himself; do you recommend that if it could be proved that an election has been influenced by bribery, the election should be held void?—I think so. I have thought something about it, and though it is with very great diffidence that I should venture to give a suggestion to the Committee, I think it would be very desirable if those matters were tried before the recorder in the town, by some simple process, and if the expenses of the prosecution were put upon the town, and not upon the individuals prosecuting; and in cases where parties presented a vexatious petition, I would throw the costs upon them. At present there is no one to prosecute; if it is taken up, it must be at the expense of the individual doing it; and I think that at present there is no sufficient court by which it can be tried.

50. Would you recommend that any additional penalties should be inflicted upon either the briber or the bribed person?—I think if the law which is established for Parliamentary elections in that respect were made applicable, according to local circumstances, to municipal elections, it would be very effective.

51. Have you any other suggestion to make with regard to the polling at municipal elections; for instance, with regard to the conveyance of voters, which at present is allowed?—Yes; I think that that should be done away with entirely. I think it works extremely well in not allowing it in the Parliamentary elections, and I think it would work equally well in the municipal elections.

52. Are cabs frequently employed at the municipal elections?—Yes, very much.

53. Are you aware whether any personation takes place at those elections?—Yes, constantly. Many persons were taken up last November for personation.

54. Were they prosecuted?—No, they were not prosecuted; they would have been, but the way in which they were given into custody was somewhat illegal, and it was felt, in consequence of this that the prosecution would not hold water and so it was abandoned; but I have known very extensive cases of personation.

55. Have you ever known any one prosecuted or convicted?—No, I have not; I think that the equal guilt of each party almost prevents a case being prosecuted very much.

56. Of what description is the personation which is practised?—The way would be this. Supposing a man is out of town, or is known to have died since the registration was made, the voting paper would be prepared, and another man somewhat like him would he found, and he would simply take that voting paper up and deliver it.

57. Are there any duplicates on the register?—Yes, and any person can get a copy of the register for 1 *s.*

58. Are there any duplicate qualifications?—A person may be rated in different parishes, and therefore, he would be on the register in each of those parishes.

59. Is that made use of for the purpose of personation?—That is not often made use of for personation, because, generally speaking, they are persons who are in such a position in life, that they would not personate persons having three or four properties in three or four parishes; but it requires all the arrangements to be made to prevent it, in case it was done. You are obliged to have scrutators and everything, to prevent persons voting in different wards. A man by law can only vote once in one election.

60. Do you think that any other evils, besides bribery and treating, prevails at the municipal elections?—I do not think so to any great extent; there is very little intimidation or anything of that sort, I think. The public-houses are open, and a great amount of intoxication prevails; and if it could be done, I think it would be a very good thing, if the public-houses could be closed on all the days of election.

61. Can you explain the entire absence of intimidation at the municipal elections?—I do not think that the questions which are involved in a municipal election, are such as to make it worth the while of any one, large employers for instance, intimidating their men; and I do not think it is carried on to any great extent, at least I have never heard of it.

62. Is it generally understood, that a municipal vote is worth so much money?—Yes, there is no doubt about that.

63. But it is merely a question of money?—Yes, merely a question of money.

64. Mr. *Villiers.*] I think you stated that the practice of bribery has been very long in existence in Nottingham?—Yes.

65. And the respectable classes are perfectly well aware of it?—Yes, it is perfectly patent.

66. And there is no shame attaching to it?—No, we are ashamed of it; every gentleman in the town is ashamed of it; but there is not the shame attaching to it in the sense in which you put the question to me.

67. But nobody is thought the worse of because he has received this 2 *s.* 6 *d.* or 5 *s.* which you say is usual?—Yes, I think he is, but I do not think that those who pay it are thought the worse of.

68. Is any man ever reproached for having received a bribe for his vote in a municipal election?—I could

—I could not say that; amongst the population it is not considered any disgrace at all, but it is very possible that there may be persons who, if they knew individuals, in their employ for instance who had received bribes, would reproach them with it.

69. Is it desired to put a stop to the system in Nottingham?—Yes, very much so.

70. Is it complained of by respectable people?—Yes; it is not desired of course by the people who receive the money, and very probably a man would be unpopular who took any steps to prosecute a case among the class who receive the money, but the whole town is ashamed of it; the two-thirds of the electors who are not corrupt are ashamed of it.

71. I thought I understood you to say, that the extent of the corruption varied with the amount offered for the vote?—Yes, to a certain extent it does; I have given in the total number of those who, under any circumstances would receive money, and there are some of those who would not receive 1 *s.*, but who would receive 10 *s.*

72. I think you stated that about one-third of the whole number are corrupt?—Yes, one-third of the whole number are corrupt.

73. But you do not go so far as to say that the two-thirds remaining are pure?—They are.

74. But they have never been tempted within your knowledge?—I think they would be above it.

75. Has there been any attempt to stop it on the part of the respectable portion of the community at Nottingham?—There have been two or three attempts to conduct elections on principles of purity, but they have always failed.

76. They have broken down before the election was over, I presume?—Yes, they have.

77. What particular evil follows from this system which is so common in Nottingham?—In the first place, it is difficult now to get respectable men to stand for the council, because they do not like to submit themselves to what no doubt is a very disagreeable thing; even if a man does not care about spending the money, he does not like to spend it in that way.

78. But has the council much power, or any patronage?—The council has an enormous deal of influence.

79. Then is the position of councillor much sought after?—It is considered a post of respectability and of respect, when a man is properly elected.

80. The electors seem to be numerous, and a large number receive the money; is it the candidate that pays them?—The candidates pay the money; sometimes, when there has been a very valuable man desired to be retained in the council, I have known of subscriptions raised to pay his expenses, supposing he would not pay them himself, or to assist in paying them.

81. Generally speaking, are the candidates men of substance?—Yes, I should say that there is no town where the large ratepayers have been more represented in the council, than the town of Nottingham.

82. How do they demean themselves when they have been elected in this fashion?—I do not think there is any place where the business of the town is better conducted than the town of Nottingham; I have never known an instance where politics have made any difference after a man has once been elected.

83. Do you think that if the elections were pure you would get as good men as councillors?—I think so; I see no reason why we should not believe it.

84. Do you mean that the people who present themselves as candidates are people that are of some station and are wealthy, because they know that it must cost them something to be elected?—They do not mind the amount of money that it costs, but they disapprove thoroughly of the principle of buying those votes, and many of those gentlemen are in the council because they are requested to stand by their fellow townsmen for the sake of having in the council men of intelligence and standing.

85. But those bribed electors, I presume, do not exercise their judgment much upon the merits of the candidates, but upon their ability to pay them?—Yes, as regards those people who receive the money it does not matter to them at all who are the candidates; the candidates are really selected by those who do not receive money.

86. Supposing that the elections were conducted upon pure principles, do you think that electors, exercising their judgment freely, would make a good choice?—Yes; I think so.

87. Are you of opinion that the people of Nottingham would know who were the fittest persons, and would then choose them?—Yes; I think so.

88. Is it the opinion at Nottingham that the system is getting worse than it was?—Yes; I think it is, I think it is more spread; more people take money than did formerly.

89. Do you infer from that, that the people are getting more corrupt generally at Nottingham than they were?—No, I think it is a sort of contagion that has increased; a woman perhaps sees that her neighbour's husband has received 3 *s.* or a sovereign for his vote, and I have known an instance where a woman has threatened her husband that if he voted without bringing her something home he might expect something warm when he got home.

90. You have alluded to some change in your opinion as to the means of preventing this bribery, and you thought that if there was secret voting that might prevent it?—I have thought of these things for many years, and I certainly have never been in favour of the ballot till lately; I have thought very much about this bribery, and as to the best means of checking it, and I do not think there is any system by which it could be stopped except a system which would prevent any one knowing how a man voted.

91. Do you think that that change of opinion has extended at all lately in Nottingham?—Yes, very much.

92. Do you believe that the respectable classes would be willing to make the experiment of the ballot?—I think that a great many more persons would wish for it now, than would have done five years ago.

93. Is there any riot upon the occasion of these municipal elections?—No, there is a little drunkenness and that sort of thing, but nothing that could be called a disturbance.

94. But you are sure that there is much discredit attaching to this system of bribery that it would not be favoured by respectable people, supposing they had the ballot?—I think not; every respectable person is annoyed by it.

95. You think that they would not favour any evasion

Mr. *J. Barber.*

6 April 1869.

evasion of the ballot, if the ballot was established?—No, I think not.

96. Have you any instance in which votes are taken by the ballot in Nottingham?—Only at the clubs and the hospitals, and things of that sort; there is no ballot at any of the legal elections.

97. You express, do you not, some doubt as to whether secrecy could be maintained?—It is not a doubt, because I have not studied the question thoroughly; but it is merely because I have heard it so constantly said, that secrecy could not be maintained. I have not given the subject sufficient attention to be able to judge whether it would be possible to have a system of open voting, which would be free from the evils at present existing.

98. Do you think that corruption has reached that point both at the municipal and the Parliamentary elections, that it would be worth while making the experiment of the ballot?—It is not a question of principle, but a question of money, carrying any election in Nottingham.

99. You think it is worth while to try something to prevent it?—Yes.

100. Sir *Michael Hicks Beach.*] Do you think that secret voting would check bribery at these municipal elections?—I fancy that it would be very difficult to find persons to give money, unless there were some means of knowing how the party voted.

101. And bribery is the special evil, which you think it would check?—Yes, I think so; I wish to be understood, that I have never been till lately an advocate very much for the ballot; and I have not given it that consideration as to all its technicalities, which would justify my giving an opinion to the Committee, as to the possibility of conducting an election under the ballot secretly; I do not consider myself an authority upon that in any way.

102. Supposing it were possible to conduct an election secretly so far, that the secresy might be optional at least, on the part of the voter, do you think that that would check bribery?—I think so.

103. Are not those people you have spoken of, anxious to receive bribes?—Yes; they are very anxious to receive them, or else they would not be paid.

104. If they cannot show in the process of giving their vote, whether they have voted as they have been bribed, do not you think that they would wish to do so in some other way?—A man might say how he had voted, but the party having to pay him, would exercise his own option whether he would believe it or not; I do not think that a man's saying how he voted, would go for very much with that class who would receive a bribe.

105. Do not you think that it would be possible by some organisation, to secure the return of any particular candidate?—I cannot offer an opinion upon that, because I have not given the question sufficient consideration.

106. Would the candidates themselves, who are now not ashamed of bribing openly, be less inclined to bribe secretly, if their return could be secured in that way?—I believe that a man who would give money openly, would do it the other way, only there would be a difficulty in getting to know how the people voted. People do not give money, because they are particularly fond of parting with it.

107. It would be possible, would it not, for a man to say, "On condition that I am returned, I will pay you a certain sum"?—I do not think that that would carry water much, and it would be very much more easily detected; whether secret voting or not, I would have penalties, and if there were bribery wholesale in that way, it would be much more easily detected.

108. Do you think that secret voting would stop treating?—A man might treat for the sake of popularity; but I do not think he would do very much in that way.

109. Is not treating a very great evil at the Parliamentary elections at Nottingham, as well as at the municipal?—Yes, it has been; I look much more to good laws for the prevention of bribery, than to secret voting; I merely speak of that as one of the things; there has been no law hitherto that would do it, and therefore I fall back upon secret voting.

110. You wish to try secret voting as better than nothing at all; is that your feeling?—Just so; nothing can be worse than the present system.

111. If you could stop bribery, what proportion of the electors do you think would vote in these municipal elections?—I think that if there were no bribery, there would be a larger number of electors vote who are not corrupt; and they would take more interest in the matter; but it is known to everyone, that if there is a contest pretty evenly balanced, the turn of the election entirely depends upon the bought votes.

112. You have given the Committee some figures with the view of showing the difference in the number of votes that were polled when bribery had commenced on certain elections; and I think you stated that before 12 o'clock, very few indeed of the electors had voted; should you take as the only pure electors in those wards, those that voted before 12 o'clock?—No, the non-polling of the not corrupt elector arises from his indifference to it; knowing that this system prevails to so large an extent, and that the election is to be bought, he becomes indifferent to it.

113. You do not wish the Committee to infer that all those who held back till after two o'clock were waiting for bribes?—No.

114. With regard to personation, do you think that that would be rendered more easy or more difficult by a system of secret voting?—I do not think it would make any difference; I imagine, that before a man passed in to vote, his qualification would be tested outside just the same as his qualification is tested now when he goes up.

115. Have you ever given your attention, in any instance, to the possibility of determining afterwards whether personation had taken place or not?—No, I have not.

116. If you did not know how a man had voted, you would scarcely be able to find out whether he had been personated?—It would be possible, I think.

117. Personation is a very great evil, is it not, in the municipal elections at Nottingham?—It exists to a considerable extent; I do not think so much as to influence the elections materially, but still it does exist to a considerable extent.

118. Of course, if a man is rated in several parishes, and thus has several separate qualifications, other people may be ready enough to personate him, although he might not wish to personate

nate other people?—But those are not the people who are generally personated.

119. Would not it be known if the man is dead?—Yes; but if he is dead they would send another party for him; or if it is known that he is a man who never votes, or will not come to the poll, another man would be sent for him; or if he is known to be out of town; but I never knew of a case of the personation of a person who would be likely to have three qualifications; they are men too well known to have it attempted.

120. Such a person would be a man of property and some considerable station in the town?—Yes; I once saw a man personated while he was himself in the room.

121. Was it a connivance between the two men?—No; he was a man who always thought that he had an important thing to part with when he voted, and he generally came into the room half-an-hour before he voted, and he was personated while he was in the room.

122. Was it detected?—No, it was not detected.

123. Sir *George Grey.*] With the great desire that exists in Nottingham to check this open and notorious bribery, can you explain why no attempt has been made to put in force the provisions of the Act, which imposes heavy penalties and disqualifications upon persons guilty of bribery, the suit being in the County Court, which is very accessible to everybody?—I have frequently talked to our town clerk about it, who deplores the thing very much indeed, and he considers the Act altogether too difficult and too cumbrous for working.

124. Where is the difficulty, or the cumbrousness of the process in the County Court, to prove a fact which is notorious, and which is known to all the inhabitants of Nottingham?—But the question is, who is to be the prosecutor under the Act.

125. I assume that you have been conversant with those practices for a long time in Nottingham; has it never occurred to you to put the Act in force?—I think it right to say for myself that I have been 21 years in the council, and the whole of my elections have not cost me 50 *l.*

126. But has it never occurred to you, knowing the general desire which exists among the respectable part of the community of Nottingham to check those practices, to put in force this Act yourself against notorious offenders?—It has been considered very difficult, and it would be a very unpopular thing, and the expense would fall upon the prosecuting party.

127. Do you believe that your popularity would be less if the law were made more simple, as you propose, and if such a case were tried before the recorder, in the town of Nottingham?—Yes, as they would put the expense of trying it upon the town, unless it were a vexatious petition, and then I would put it upon the petitioner. I must say that I have had no reason personally to complain about this thing, because I have never been opposed since I was first elected.

128. Is not this the real reason why the Act has not been put in force, that it would be extremely unpopular to do it?—It would be unpopular, but I do not think that that is the only reason.

129. *Chairman.*] Is it not the fact that there is no inducement to institute the inquiry, because the election would not be voided?—Just so: there is another reason, I think, which is, that both sides are pretty equally guilty, and it is generally considered, when the election is over, that it is best to let everything drop.

130. Sir *George Grey.*] You attribute it to that cause rather than to any inefficiency in the existing law; but if it was desired to do it, and if it was a popular thing, the law might be put in force?—I have frequently spoken to our town clerk about it, and he sees great difficulties in putting the law in force.

131. But it has never been attempted?—I do not remember a case where it has been attempted.

132. Mr. *Locke.*] Have the borough justices never required it?—If the borough justices had the matter brought before them, they might, but they are not public prosecutors.

133. They might make themselves so, might they not?—I think they would be stepping out of their place if they did.

134. Sir *George Grey.*] Your evidence, thus far, has reference to the election of councillors; does the same system of bribery, or bribery to any extent, exist in the election of auditors and assessors and the mayor?—No, the mayor is elected by the council.

135. And the council is not open to this bribery?—No.

136. How is it with regard to assessors and auditors?—There is never any opposition. I have never known a case where there has been opposition. Each side sends in a nomination for one, and there is never any opposition.

137. If the motive of pecuniary profit were taken away from those elections, what do you suppose would be the motive which would influence the electors in the choice of councillors?—I think, most probably, local matters, and questions arising within the council.

138. As distinct from political matters?—Yes; I think that is likely to be the case.

139. At present, I understand you to say, that political reasons do exist to a considerable extent, and that there is a contest between the two parties in Nottingham as to who shall obtain the majority in the council?—Yes.

140. And you think that that will still exist if the money motive were taken away?—That would still exist, I think.

141. What is the object of obtaining a majority in the council for either political party; does the political character of the council bear at all upon the Parliamentary election?—I do not think that it does now; it did formerly. Traditions have been handed down in Nottingham; we are all Liberals or Conservatives, and it is Liberal and Conservative in everything.

142. Then it is still supposed to operate owing to this tradition upon Parliamentary elections?—I do not know whether it is really supposed so; however, that fact exists. I think the thing is breaking up rather more now; it is gradually getting less.

143. How did it operate formerly upon the Parliamentary elections, in a way that it does not now; has any power been taken from the council with regard to acting politically?—No; generally speaking formerly, and to some extent now, the leading men in the town were in the council, and they took an active part in the general Parliamentary elections, much more so than now.

Mr. *J. Barber.*

6 April 1869.

144. Are ward meetings held by the candidates for seats in the council?—Yes.

145. Are those meetings at which the candidates address the people?—Yes, just the same as at the Parliamentary elections.

146. Are there declarations of opinion in favour of one candidate against another?—Yes.

147. How would the ballot operate upon those meetings; would it prevent that expression of opinion which is supposed generally amongst honest men, to pledge a man to a particular course of conduct when the election comes?—I think that the meetings would be held just as usual.

148. And resolutions passed in favour of particular candidates?—I expect that would be so.

149. Then, if the ballot were adopted, do you think that a man who had held up his hand in favour of a resolution to support a particular candidate would, under the shelter of the ballot, go and vote against him?—I do not value much the holding up of hands at public meetings.

150. Do you think that the fact of the ballot would preclude the expression of opinion, on the part of individual electors generally, in favour of particular candidates?—No, I think not; they would express their opinions just the same.

151. You think it would only operate with regard to those who choose to abstain from expressing an opinion?—No.

152. Do you think it would operate upon the large mass of the electors, or upon those individuals who might fear the consequence of giving their votes?—I do not look upon the ballot so much to cover persons who are afraid of the consequence of their vote, as to prevent the candidate knowing how they did vote, and therefore I think he would not pay them, or his agent would not.

153. Mr. *Gathorne Hardy.*] What proportion of voters generally vote at an election when there is a real contest; you say, for instance, that in one ward there are 1,300 voters; how many of those take part in the election?—I should think that out of 1,300, 1,000 would vote; but there is a gentleman from Nottingham who can tell you more than I can about that.

154. And the greater part of them do you say voted for money?—One third.

155. And those persons, in your opinion, would vote for no other reason but money?—I do not think they would, the major part of them.

156. Practically, what causes this corruption at present; is not there a want of interest in the municipal elections in that class?—Yes, in the lower class quite so; and I think the same thing exists in the Parliamentary elections.

157. How do you account for the want of interest in the municipal elections?—There are no topics perhaps before the public which excite those people at all, or which they care about.

158. Does the question of rating affect them?—It would affect them no doubt; if they considered that the corporation were lavishly and foolishly spending money, that would very likely rouse them up, but then they pay very little rates.

159. Supposing you adopted some process of voting by which you would secure that those persons would not get any money, in your opinion would they take any part in the election at all?—I think for a long time they would not, but when they had become unaccustomed to receive money, they might gradually come to take more interest in things and vote, but at first they would not, and I think that is shown by those two instances which I have given, where there were only 200 voted before 12 o'clock.

160. Then I suppose you would assume that that 200 had none of them received money at that time?—Just so.

161. Then there began to be a payment?—Yes.

162. You say that one-third were open to the offer of money; what brought up the rest after 12 o'clock?—It would probably be in this way: in consequence of the bribery being so great many persons held aloof a good deal from it, but still a party might say, you will have sufficient without me, I see you are at the head of the poll; but after a time they would come and vote if they found that their friend was losing and required their support.

163. That is to say, even those persons who do not take money wait till enough people have been bribed to induce them to come in to help to turn the election?—They become indifferent when they find that the election is to be bought by one side or the other; there is a considerable amount of indifference upon the subject.

164. What I want to get at is not the indifference, because those people became active partisans after 12 o'clock when 200 had voted; after that time 700 voted, and of those, you say, some 200 or 300 were bribed; what made the 400 come up at that time; why would not they come up before?—I can hardly answer that question; many persons seldom vote till the latter part of the day; I do not think there is any special reason.

165. Those would, in your opinion, have come up whether the other people had been bribed or not?—Yes, I think so.

166. In all the wards almost you put it that there are at least two-thirds free from this corruption?—Yes; and in some wards much less.

167. The contests in all those wards probably were political?—Yes; I do not think that politics influence them very strongly, but there are local things which affect those elections.

168. But when they get into the council their politics, as you inform us, become quiescent?—There is a right and left of the chair, the Conservatives take one side, and the Liberals the other, but I have never known the business in any committee of the town affected in any way, or politics introduced.

169. Could not this corruption be very easily put down by the two-thirds if they chose to select the best man in each ward, and voted together for him, irrespective of politics?—That is a hopeless case.

170. But you think that that does not affect their united action in the council?—Just so.

171. Are you of opinion that it does not affect either side?—I do not think it does at all.

172. What is the sort of object that persons have in view, who will expend this money to get into the council?—The objects are various; there are certain persons in a ward who take an active part in these matters, and they select some person who they think would be a suitable person for the council, and they request him to become a candidate, and perhaps he is persuaded into it; a man may have some time, and may be willing to devote himself to some extent to the good of the town or the service of the town, and he consents to stand; we all know very well when a man once consents to become a candidate, the temptations to not lose his election are very great.

173. How

173. How high up in the social condition of men does this corruption extend; you referred to small shopkeepers, what sort of rents do those shopkeepers pay?—I called upon one person in one of the wards who has had the management of that ward for some time, and asked him about this matter, and he said I wish you strongly to bear in mind that this is not confined simply to the working class, but when it gets up to anything worth having, then the small shopkeepers, I suppose occupying 10 *l.* or 12 *l.* houses, are open to be bribed; I have known one case at least of money being taken by persons occupying even better houses than that.

174. Sums as small as 10 *s.*?—Yes.

175. Then, as I understand, you come to the conclusion that the ballot would be the remedy, not because you have studied the question of the ballot, but because you cannot think of anything else?—I have not studied the ballot sufficiently to give an opinion to the Committee about it.

176. But you have failed to think of anything else that would cure the evil?—Just so.

177. Mr. *Edward Egerton.*] Of what number does the town council of Nottingham consist?—Of 56.

178. How are they divided with respect to politics?—I think about two-thirds are Liberal, and one-third are Conservative.

179. Have you found that the existence of those corrupt practices at the municipal elections has deterred many on both sides from allowing themselves to be candidates?—I think it has.

180. Has there been no public demonstration on the part of both sides to put down what has existed for many years?—No; there have been chiefly addresses against it, but there has been no consideration of the act.

181. As I understand you, your evidence shows that those are not exceptional cases of corruption, but that they are only part of a general systematic bribery?—Yes, quite so.

182. You referred to a case in the year 1844, when 2,000 *l.* was spent in one ward, and you said that there were special circumstances connected with that case; what were those special circumstances?—At that election the Liberal party had a majority in the council for a long time, but it had gradually gone down till the election in that ward would have given over the balance to the other side. It was the year for the election of aldermen, and if the one party had lost the election in that ward, the other party would have gained the election of the aldermen for the year, and it would have given them a large preponderance.

183. And then to get that preponderance in the council, the sum of 2,000 *l.* was incurred by one candidate?—I think it cost more than that.

184. Did that lead to a remonstrance by the inhabitants of Nottingham?—A great many were disgusted.

185. Was there a public meeting held?—No.

186. The excitement all subsided into acquiescence with this state of things?—Yes.

187. Will you tell the Committee exactly what are the circumstances attending the nomination of a man against his consent?—Supposing a dozen people are sitting in a public-house; if they choose to nominate a sweep, they send down to the town clerk's office of Nottingham for a nomination paper, and nominate him.

188. In the event of it going on, who pays the expenses of conveyances and so on?—He would not have conveyances in that case, and very likely the sweep would never put in an appearance, but the candidate against whom this nomination was, would be compelled to get ready for any expenses.

189. Upon whom would the expenses fall, in the event of a man being nominated without his consent?—Upon the town; his voting papers would not be sent out, but there would be the expense of hiring rooms and all the apparatus for carrying on the contest, just the same as if there was a *bonâ fide* nomination.

190. The voting papers are in the hands of the mayor, are they not?—No; every candidate has his voting papers, but all the nomination papers are in the hands of the town clerk.

191. Are they sent round to the individuals' houses?—Every man has to vote by a voting paper, which is supplied by the candidates.

192. Where does he return it?—To the polling places appointed. There is a presiding alderman, and the whole apparatus for the election.

193. Except between himself and the person to whom he delivers the paper, the voting is secret, is it not; the voting paper is handed in by the person who brings it to the clerk at the table?—A man walks up to the desk, and hands to the presiding alderman the voting paper.

194. Then you have the element of secrecy in the mind of the voter?—Yes, but each side takes care to have their voting papers printed, so that they can always see which way the vote is given.

195. If a man puts it into a ballot box, do not you think you could see into which box he puts his hand?—I say, if secret voting could be established; I do not give any opinion whether it can be or not.

196. Last year, was there much bribery at the municipal elections?—There were fewer contests then than usual.

197. The canvassing for the Parliamentary elections was going on at the same time, was it not?—Yes.

198. Do you think that the fact of the Parliamentary election going on at the same time had any influence upon the municipal election, in increasing bribery?—Not the slightest in the world in Nottingham; last year there were fewer contests than usual; the parties returned on either side were not particularly political men.

199. But you had a contest more than usually severe going on in the Parliamentary borough?—Yes.

200. But you do not think that the bribery in the one election was connected with the other?—Not in the slightest degree.

201. Sir *George Grey.*] Is it usual for municipal voters, who are also on the Parliamentary register, to vote for a candidate of one political character at the municipal election, and for a candidate of the opposite political character at the Parliamentary election, or do they generally vote the same way?—Unless there is any special influence, they would generally vote the same way at both elections.

202. Is there any such special influence often operating as to induce them to vote different ways?—I believe those men who would take money would vote different ways, if they would pay them on one side at the one election, and on the other side at the other.

203. Is it the fact that they often do vote different ways for the municipal and the Parliamentary

Mr. *J. Barber.*

6 April 1869.

mentary elections?—I could not answer that question precisely, but I have not the slightest doubt about it.

204. Mr. *Locke.*] You stated that the peculiar circumstances of 1844 were in consequence of there being a preponderance on one side on the part of the Conservatives; or has that existed since?—I did not say the Conservatives, but I said on the one side.

205. And in consequence of that, a great deal of money was spent?—Yes.

206. By whom was it spent; was it by subscription, or how?—No, I do not think there was any subscription; it was spent by individuals; there was one gentleman, a very strong political partizan in the town at the time, and he spent a very large sum of money; he is since dead.

207. And money was spent by the other side likewise?—Yes, and by the other side likewise; there was a very strong feeling about it at that time.

208. What is the advantage to either party of having a preponderance in the town council?—I do not think there is any.

209. Then it is a mistake on their part to spend their money to get in?—There is no earthly good in it, but a man wishes to be in the council, and it is the only way he can get in.

210. Supposing that is the only way he can get in, is it material to give a preponderance to one side or the other, unless there is some advantage to be gained by it?—No, I do not see how it can make any difference to him, only a man who is known to be a Liberal in the town, if he is returned, is returned as a Liberal candidate.

211. You stated, did you not, that this large sum of money was expended upon that occasion to obtain the preponderance in the town council for the Liberal side?—For the one side or the other.

212. I ask you what advantage is it to either side having the preponderance in the town council?—I do not think there is any political advantage, beyond the fact, and that must be in a very slight degree, that the influence of the town council is mainly Liberal.

213. In the Parliamentary elections, does the town council take any part?—Not as a council at all.

214. But individuals in the council I presume do?—Yes.

215. Have they an opportunity of bringing to bear the patronage or whatever it may be of the town council to any extent?—That never is done; and I do not think there is any opportunity of doing it.

216. You consider then that the Nottingham town council does not interfere, as a body, or individual members of it, in the Parliamentary elections?—Not as a council at all; not as a body; individuals in the council do of course.

217. What is the reason why it is considered material whether the members of the town council should be Liberal or Conservative?—That has been the course of the municipal elections always; a man puts up on the Liberal side, or is put up by the party, and the council must be Liberal or Conservative as the case may be.

218. But the reason why you cannot tell?—There is no particular reason.

219. *Chairman.*] Is it the effect of party spirit; is it a desire to see the party which they belong to having the upper hand?—Yes, that is it very much.

220. Mr. *Locke.*] But it is not connected with the Parliamentary election?—No; it is not connected with the Parliamentary election. There is no doubt if there was a strong contest municipally, and partisans of the one side or the other were elected, the success of that party might have an indirect influence in that way, but it could have no direct influence.

221. You stated that a voting paper was left at the house of each of the electors; is it absolutely necessary that that elector shall vote by the voting paper that has been left at his house?—No, he may write it out if he likes; the Act of Parliament merely prescribes the form that it shall be in.

222. But I do not think the Act of Parliament prescribes that it shall be left at his house?—No, it does not.

223. That is done by the candidates in the same way that a polling-card is sent out by a candidate at a Parliamentary election?—Only a polling-card is of no use to vote with except to remind the voter of his number, whereas the polling paper that is sent out is the thing he would vote with.

224. But that polling paper contains the names of all the candidates, does it not?—No, each gentleman sends out a voting paper complete, even with the persons name written in it.

225. You say it is not necessary he should vote with this paper which is sent him?—Not with the identical paper.

226. Is it not the case at an election, when the polling is going on, that papers are furnished by either side?—By both sides; in a contested election papers will be supplied by both sides, each side supplying a paper with only the name of their candidates on it.

227. Therefore it is not necessary for a person to strike out the names of those for whom he does not intend to vote?—No; the object of the committee who conduct the election is to give the voter the smallest possible trouble, so that he has nothing to do but to take the voting paper of the party for whom he votes and go up with it.

228. Does it frequently occur at an election that voters are very drunk, and papers are put into their hands, and they do not know exactly which side they are voting for?—No, I do not think that does frequently occur at Nottingham.

229. But papers are put into their hands exactly at the time they are going to vote?—Yes, frequently, I have no doubt, and I think voting papers are frequently altered by the persons who go round with them; they alter them at the voter's house, and they take the other voting paper away constantly.

230. Is there not a great deal of difficulty attendant upon those voting papers; do you think that they make the polling more correct than if a man went up to the poll and he were asked his name, and asked for whom he intended to vote?—I think that is better than the polling papers; the paper has no pretence to secrecy; I have no doubt that originally it was the idea that it was a sort of secret voting, but there is no pretence to secrecy about it now; the votes as they are polled in the committee-room are ticked off with the same regularity as at a Parliamentary election.

231. It has no effect as secret voting?—Not the slightest.

232. Has any plan been suggested to you, or struck you, as to any mode which could be adopted

adopted of secret voting?—No; I have not considered that question at all; I have never been very much in favour of it, and never given it much thought.

233. With regard to bribery, I asked you just now whether the borough justices might not check it by prosecuting in the case of bribery; they have a clerk, have they not?—Yes.

234. Do not the borough justices very frequently direct their clerk to prosecute persons?—I think not; I do not think it is their province.

235. I mean for ordinary offences?—Yes, for an offence against property, for instance, for felony, or anything of that sort.

236. Or for misdemeanour, or for any offence that is committed by a person?—Yes.

237. The borough justices do frequently give direction to their clerk to prosecute, do they not?—No, not very frequently; in boroughs it is chiefly done by the chief constable, or under the direction of the watch committee.

238. Who is the person that conducts the prosecution?—The clerk to the justices, or the town clerk if it is under the watch committee. If it was a proceeding by the watch committee or by the sanitary committee, it would be done by the town clerk.

239. If direction were given to those officers, they might initiate those prosecutions for bribery, might they not?—Yes; I do not think that that would be the best source from which it could come. Those committees are made up of persons elected by those people of different sides, and I think it would have a tendency to introduce politics.

240. You are aware that some of the justices, or, in fact, all the justices, are appointed by the Lord Chancellor?—Yes.

241. Are they not independent?—I believe they are independent, but I do not see how the justices could set in motion any resolution of this sort; as the law stands at present, it would be very exceptional. I speak with very great diffidence, to the Committee, but I doubt it.

242. Might they not do it for the municipal election, although they might not, perhaps, like to interfere in the Parliamentary election?—I think if it is to be placed upon the justices to do it, it should be by special Act of Parliament, compelling them to do so; I should doubt very much the policy of the proceeding.

243. Do you think that it might make the justices uncomfortable and unpopular?—I do not think the justices would care much about the unpopularity. They would not object if they felt it was their duty; but the justices have never yet felt that it was their duty. I have never known a case in England, where the justices have attempted such a thing. I never knew a case where it was suggested that it should be done by the justices.

244. Mr. *Brand.*] Is the state of the poll published at the municipal elections?—Yes; constantly, not invariably, but constantly.

245. Then it is quite notorious how every voter has voted?—Yes; what are called tick sheets are left in the committee rooms of each side, and if it is a closely contested election, canvassers go out in all directions to fetch parties to get them to the poll precisely the same as in a Parliamentary election.

246. Do you think it desirable that there should be no publication of the state of the poll?—Very desirable.

247. For what reason?—Towards the close of the poll it increases bribery, and I think there would not be that tendency to bribe, if the state of the poll were not known.

248. Mr. *Whitbread.*] You told us just now that voting papers were supplied by each side; did it ever happen in your knowledge that a voter voted for some names upon one list, and some names upon another?—Yes.

249. Then he must have altered the paper himself?—The voter must have altered the paper himself, or have got some one to alter it for him.

250. Have you ever heard, in Nottingham, of a subscription being made towards the expenses of those municipal contests, on the part of any Parliamentary representative for Nottingham, either by himself or his agent?—I think not. I have no knowledge of any such thing, and I do not think it has occurred. I have not heard of it.

251. You told us just now that you looked more to the effect of good laws to stop bribery than to secret voting; can you suggest any direction which legislation should take to check bribery?—I think if there was a clearly defined law by which those cases could be discovered and punished without very much expense; if a candidate, for instance, who had been returned to the council, lost his seat, and was prohibited again from serving in the council, being struck off both the Parliamentary and the municipal registers, I think it would have a great tendency to prevent persons running the risk.

252. You would impose more severe penalties upon the side which resorted to bribery?—Yes; and I would, also, in order to encourage prosecution, not put the expense upon the prosecutors; I would put the expense upon the town.

253. Supposing that you had a system of secret voting such as you have advocated, and the winning side has been guilty of gross bribery, who, on the part of the losing side, is to put the machinery in motion to prosecute?—You want a public prosecutor for that.

254. Do you think that the losing side would feel it to be to their advantage, looking to future contests, to put the machinery in force?—I think not.

255. They have not done it hitherto, and would not do it, you think?—They had not done it hitherto, and I think that is, in answer to the question put by the honourable gentleman, the reason why prosecutions have not taken place in Nottingham.

256. Who would supply the public prosecutor with evidence; have you ever considered that subject?—I think it would be just as easy, and the same mode might be acted upon as in a Parliamentary contest; I do not see why it should not.

257. But is there a public prosecutor in Parliamentary contests in Nottingham?—No; there is not a public prosecutor in Nottingham; but there would be no difficulty in getting the evidence, if you got the machinery.

258. Mr. *Henry Smith.*] You spoke of a person whom you called the manager of the ward; are there managers on both sides in conducting a contest?—Generally speaking, in every ward there are persons who take an active part; very often

Mr. *J. Barber.*

6 April 1869.

often the candidate does not take an active part in it himself.

259. Is the manager the person by whom the bribery is conducted?—Very often, I expect; not by himself personally, but it would be through his hands that the money went.

260. What are the relations which exist between him and this minority of the constituency which is influenced by him; are there personal relations?—In one ward a case of this sort would occur. I have in my mind's eye the person who manages in that ward. He is known so well in the ward that a number of persons will go and vote in the morning at his request, on his giving them his word that they shall be paid the same price that is paid in the afternoon; they have such confidence in him that they will do it, and they know quite well that it will be done.

261. Then there is a perfect understanding between the manager and his clients, so to speak?—Perfectly so, if he is a good manager.

262. In your opinion, the ballot or any mode of secret voting would do away with that understanding altogether?—I do not see if there were secret voting, what the manager would have to go upon; he would not know whether the man voted or not.

263. He would know by the result of the poll, would he not?—Yes; it would of course be just possible that the manager might say to those people, if my candidate wins I shall give you so much.

264. Would it not be probable that he would say so; if those people have such perfect confidence in the manager that they are willing to vote upon the assurance that they will be paid in the afternoon the sum that may then be fixed as the proper sum to be paid, would they not also vote under any system of secret voting upon the assurance that they will get paid if the candidate is returned?—I think that the managers of the class of persons that I speak of are rather the exception; I do not think it is universal in all wards that there are persons who stand in that relation.

265. I understand you to say that elections are conducted by committees and the manager of the ward, speaking of him as a person who exists in each ward?—Just so; but it is not all of them that would be trusted by the men that voted before they received the money.

266. But as a rule there are such persons who are trusted in each ward?—There are such persons who are trusted, but I do not know if it is so in every ward.

267. And the relation is one of perfect confidence between the voter and the manager?—Yes; that does not apply to all the voters, but to a large number it would apply.

268. It applies, does it not, to those who are bribed?—Not to the whole of them, but to a considerable number of them.

269. Mr. *Fawcett.*] Do you think that any Act to be passed against corruption would produce much effect unless there were a public prosecutor?—I think it would produce a good effect if a person could be got to prosecute.

270. But you do not think that unless a public prosecutor were appointed, anyone would take upon himself the responsibility?—I doubt whether any person would be found to do so.

271. Have you any suggestion to make as to who should be the public prosecutor?—I have not considered that matter sufficiently to justify me in making any recommendation to this Committee.

272. You spoke just now of the possibility of there being fictitious nominations for the town council; have many of those fictitious nominations occurred in Nottingham?—Yes; I have known six or eight names sent in in one November. Perhaps I may be allowed to say that the word "fictitious" is scarcely correct; they are real nominations, because the persons nominated are on the register.

273. But they are involuntary nominations?—Yes.

274. Do you think that those involuntary nominations would be discouraged, if the person nominated, or those who nominated him, had to bear a certain portion of the expenses?—Yes.

275. You think that that would prevent them?—Yes; no doubt it would not prevent in every case, a person being nominated against his will, but it would prevent a person being nominated merely as a lark.

276. Is there any dissatisfaction existing in your borough, from the fact, that the ratepayers have to pay the expenses of the municipal elections?—No; I have never heard of it.

277. The only case in which they would be at all dissatisfied I presume is, when they would have to pay the expense of those fictitious nominations?—The expense is not sufficiently large to call for a remark of that sort.

278. Is the necessary expense of conducting a municipal election very much smaller than the necessary expense of conducting a Parliamentary election?—I would state that, in the course of 21 years, I have been elected six times, and the total of my expenditure for the whole time has been under 50 *l.*

279. I am not referring to personal expenditure, but to the necessary expense of conducting the election?—I think that that will give you an idea of it, when I say that my necessary expenditure for 21 years has been under 50 *l.*

280. That is what you had to pay yourself?—Yes.

281. But the point that I wish to put to you is this: there are two classes of expenses, are there not; the one the expenses which the candidate voluntarily incurs, which I am not referring to; and the other the necessary expenses of conducting the election which are thrown upon the town?—Yes; such as the hiring of rooms for polling places, and the whole paraphernalia of the election; those expenses are borne by the town.

282. And you say that they are so small, that the town does not object to have to pay for them?—The expense has not been so great as to create observation; the town would object to anything that was not proper expenditure, but it does not come to an amount which leads to observation.

283. Are the necessary expenses of conducting a Parliamentary election very much larger than the necessary expenses of conducting a municipal election?—Yes, very much larger.

284. What need is there for their being larger?—They need be larger, inasmuch as the room required for a polling booth at the Parliamentary election is much larger than the room required for the municipal election; and inasmuch as we have 14,000 on the register for the Parliamentary election, and only 7,000 for the municipal, they require additional room for the additional number of voters.

285. But

285. But are not municipal boundaries coterminous with those of the Parliamentary borough?—They are in Nottingham; but a person must be on the rate-book three years to be on the municipal register, and only one year for the Parliamentary.

286. But, except that there are more Parliamentary voters than municipal voters, there is no reason why the necessary expenses of conducting the Parliamentary election should be larger than the necessary expenses of conducting the municipal election?—No; I think not. It requires a rather more expensive kind of booths for the Parliamentary election; generally, rooms are hired, and that sort of thing, for the municipal; and they would require more accommodation for the Parliamentary election.

287. But is there any reason why, if a room suffices for the conduct of the municipal election, a room should not suffice for the conduct of the Parliamentary election, except that there are more voters at the Parliamentary election than at the municipal election?—Certainly not.

288. Therefore, if you double the number of rooms at the Parliamentary election, you can conduct the Parliamentary election in rooms as well as in booths?—Yes; there is frequently more excitement in the Parliamentary election, and more accommodation is needed for getting the voters in and out, which necessarily renders it more expensive than the municipal; but only on that ground.

289. Do you think that, if the town were interested in the economic management of the Parliamentary election, the necessary expenses of conducting it could be made only proportionately larger to the number of voters that are on the Parliamentary, compared with the municipal register?—I am very much afraid that, if the expense of the Parliamentary election were placed on the town, or the county, we should have far more candidates than we have now, and that we should never have an election without a contest.

290. Mr. *Leatham.*] You were asked some question with regard to personation, and you seemed to think, did you not, that it would be almost impossible to detect personation, unless it was detected at the time the vote was given?—It would be very difficult to say; it is not a matter that I have sufficiently thought over. If a man votes for a person who is dead, or away, and it could be proved who voted for him, it would be detected.

291. You are only a recent convert to the ballot, I believe?—Only a recent convert.

292. Your attention has probably not been drawn to the various forms of the ballot?—No.

293. You are not aware of the forms of the ballot, under which a scrutiny is perfectly possible after the election has taken place, and under which, it may be found out how each voter has voted?—I do not feel at all justified in giving any opinion about the ballot before this Committee.

294. The Right Honourable Member asked you with regard to those preliminary meetings at which resolutions were passed, and you stated, I think, that persons held up their hands at those meetings, and passed resolutions in favour of particular candidates; are the people that attend those meetings merely partizans, or do they belong to the corrupt class?—I think a considerable number of them are partizans, and I have no doubt that persons who receive money are always anxious to encourage the candidates on both sides, and therefore, they do not mind very much which side they shout for.

295. And they are present at those meetings?—Yes.

296. Mr. *Staveley Hill.*] Do you think that there could be any simpler mode of punishing those people than that any person either promising, giving, or receiving any money, or giving a glass of beer corruptly, or giving 1 *s.* for a cab, should have to pay the full costs of the suit in the county court, and 40 *s.* to any informer or any person who would sue for it?—I know that many gentlemen have been very anxious to do something about this matter, and I have had conferences myself with the town clerk, but we have always seen a difficulty about it.

297. Would taking it into the recorder's court make it more popular?—I do not think that 40 *s.* is any punishment for it; what does it signify to a man if he has spent a couple of hundred pounds?

298. But if the penalty were to be inflicted upon any person giving or receiving, would not that be effectual?—I think that the law does not touch the candidate, supposing the candidate does not do it himself personally. I have an impression that that is the operation of the Act of Parliament, that if it is done by an agent, it does not affect the candidate. But my attention has not been sufficiently called to the subject to enable me to give any positive opinion.

299. You spoke of having received this information from your informants; who are your informants, in what class of life?—There is generally a very decent person in each ward, who has the confidence of the party, and he manages those matters.

300. It is in fact from the ward agents that your information comes?—Yes.

301. Sir *Frederick Heygate.*] What is the effect of unpopularity in Nottingham?—Supposing any person took a very active part in putting a stop to the payment of this money, the probability is that the parties who are in the habit of receiving it would, at another election when there was no money, vote against him.

302. In the case of a public officer prosecuting, for instance the mayor, would the unpopularity go so far as to render your life unsafe?—No, if it was an Act of Parliament which made it my duty to institute enquiries into these things, I should do it without the slightest hesitation, and I should not be unpopular if the public felt it was my duty, but under the present Act of Parliament it is nobody's duty.

303. If so large a proportion as one third of the constituency were bribed, would not public opinion be strongly against you?—I do not think so, if they knew that it was my duty in virtue of my office; that is one thing, and a person stepping out of his position, and becoming a prosecutor is another thing.

304. Then it would not have the effect of making your life disagreeable, or making you very unpopular?—I do not think so.

305. You state that so large a proportion as one third of the constituency were bribed, and a great many of them by very small sums?—Yes, I think there is a number in whose case if there were nothing else, a pint of ale would do it.

306. Many of those persons so bribed you stated,

Mr. *J. Barber.*

6 April 1869.

stated, did you not, were tradesmen in easy circumstances?—No, not in easy circumstances, but the small tradesmen; when I say small tradesmen I mean provision dealers, tailors, blacksmiths, and so forth; I do not mean that because they are of that particular trade they are open to bribery.

307. What would be the amount of the bribes at municipal elections in the average of a number of years?—I cannot tell you; I suppose it would be any price from 2 *s.* 6 *d.* to 5 *l.*, but I think that the committee will obtain some information upon this point from the gentleman who will follow me.

308. Then it can hardly be a love of money to people in that position, but it must be indifference to the result of the election?—I am afraid I have given a rather wrong view with respect to tradesmen; they would be persons in humble circumstances as tradesmen.

309. Do you mean to say that 2 *s.* 6 *d.* would bribe a 10 *l.* householder who would vote at the municipal election?—Yes, a great many, but there are a vast number among the working classes who are unable to be bribed.

310. Still you say that the effect upon the municipal council is not very bad?—I know as a fact that in our council we have some of the most respectable men in the town.

311. Politics are not carried into municipal affairs?—I have never known an instance in which politics have affected the decision of any question.

312. As to the neighbouring towns, can you say the same for other towns, such as Leicester and Derby?—I cannot say for those towns.

313. In fact, Nottingham stands by itself in that respect?—I have not inquired into the position of other places, and am not prepared to speak to that.

314. Mr. *Howes.*] You have described the character of the managers of the wards; those are not the persons, you say, who actually bribe, are they?—I have my information from them, but I do not know personally so much about the details; I think that they are not.

315. Is it not pretty well known who are the persons who actually do bribe in each ward?—I daresay there are persons in each ward who do know, but I do not know.

316. Do you think it is not generally known amongst respectable people?—It is not generally known, I think.

317. Not known in each ward?—I expect that the canvassers in each ward would know whom to send a man to when they called upon him.

318. If not actually known, it could very easily be ascertained?—Yes.

319. When you mentioned canvassers, is it usual in municipal elections to employ canvassers?—Yes, very extensively.

320. Are they paid canvassers?—Not generally paid canvassers to any extent.

321. Do you think anything could be done in the way of stopping bribery, by altering the law as to the employment of canvassers?—I think that it would be a very good thing to make a law to stop it, but I do not see how it could be done. It is a very bad thing, and if there were no canvassing there would be very little bribery, because they would not find out the men who wanted money.

322. Is it not often the case that the same person who is bribed at the municipal election is bribed at the Parliamentary election?—Yes, I think so.

323. Is it not generally supposed that those persons who actually bribe have influence, and have an interest in keeping up that influence?—I think there is nothing in that; the man who has got 100 *l.* to give away will have double the influence in an election that the man who has 50 *l.* possesses.

324. Do generally the same persons act from year to year in the municipal elections, and in the Parliamentary elections?—Yes.

325. They necessarily acquire by that means considerable personal influence in a ward?—Yes, I think they do.

326. And they are interested in keeping up that influence, are they not?—I think that has generally arisen in this way; a man has had strong political opinions, or has sided strongly with his party and has taken an active part in the election, and has gradually subsided into that position.

327. You do not see any way, do you, to altering the law, so as to improve it with regard to the employment of canvassers?—If there could be a law to stop canvassing altogether it would be a very good thing; but I fancy it is a law very difficult to make.

328. *Chairman.*] I understand you to say that you thought that, if the Act were altered so that the election should be invalidated by the illegal acts of the agent of any candidate, it would have some effect?—I think it would.

329. Do you think that if it were so altered, prosecutions would be instituted under the Act?—I think it likely that it would be more difficult to find persons who would be willing to furnish the money, and place themselves at the risk of parties who might act indiscreetly.

330. It is now a certainty, is it not, that if a man spend money enough, he will get in?—Yes.

331. And having once got in he is safe?—He is safe for three years.

332. But if there was the risk that, after that expenditure of money he might be unseated like a Member of Parliament, he would be chary of incurring such an expenditure?—He would be more chary of parting with his money.

333. Mr. *Locke.*] Are you aware that a *quo warranto* might be issued by the Court of Queen's Bench to him, supposing he obtained his election by bribery?—Yes, when it is proved.

334. Would he not have to put in an answer to it?—Yes.

335. If it were proved against him that he had obtained his election by bribery, would not his election be void?—Yes, I suppose so, if they had the means of proving the bribery.

336. Sir *Frederick Heygate.*] Can you state to the Committee what the average borough rate in Nottingham has been for the last four or five years?—The borough rate is paid out of the poor rate, and I cannot quite say the amount; but the gentleman who will follow me, Mr. Bradshaw, I think, will tell you quite well. Our district rate, which includes the highway, the improvement, the sanitary, and the fire brigade, is 1 *s.* 8 *d.* in the pound for the year; and I think the amount taken from the poor rate for the borough rate is about 1 *s.* The town council have control over both rates; and there is a certain portion of the expense of the town that is paid by the borough rate for police and all judicial expenses.

337. Mr.

Mr. *J. Barber.*

6 April 1869.

337. Mr. *Gathorne Hardy.*] You state, do you not, that you wish to put an end to canvassing?—Yes.

338. Will you be kind enough to explain to the Committee what kind of canvassing you mean by that?—I mean going from door to door with a book in your hand, and soliciting votes; I do not see how that could be done away with, but it would be a very good thing if it could.

339. You would stop persons who do that systematically; but how could you distinguish that from the ordinary canvassing which everybody would carry on?—It could not be done, I am aware; I wish to say that there is a very large proportion of working men who never receive bribes and would not; and my observations do not at all refer to working men as a class, but simply to individuals of them.

340. Mr. *Fawcett.*] You stated that if the plan of throwing the expenses of Parliamentary elections on the towns, in the same way as is now done in the municipal elections, were adopted, contests would be increased; do you think that that would be the case if the person who did not poll a certain number of votes had to pay a share of the expenses?—I think it would, unless the proportion was put pretty high.

341. But supposing he had to pay his own share, as he now has to pay under the present system, do you think it would be a larger number of candidates then than now?—The amount varies so very much that I can scarcely express an opinion.

342. If the necessary expenses of Parliamentary elections were thrown upon the towns, in the same way as is now done with regard to the municipal elections, and if the candidate did not poll a certain proportion of votes, say one-fifth of the number polled, had to pay his share of expenses in the same way as he now has, do you think that the contests would be greatly multiplied?—I think they would be, unless he paid some equivalent to what his expenses are now.

343. Then in that case you do not think they would be multiplied?—No, I do not think they would be then.

344. You always have a contest at Nottingham, have you not, under the present system?—No, not always; we have had latterly, very frequently, but we have had many elections without contests.

345. During the last 20 years, how many elections have you had without a contest?—Several; I cannot call to mind just now how many, but there have been several.

Mr. Job Bradshaw, called in; and Examined.

Mr. *J. Bradshaw.*

346. Sir *George Grey.*] Are you a town councillor of Nottingham?—Not at the present time.

347. Have you been for any length of time?—I have been, at different times, 15 years since the Municipal Act was passed.

348. Have you heard the evidence of the last witness?—I have.

349. Have you anything to add to what he stated with regard to the mode of conducting municipal elections in Nottingham?—I differ from some of the statements which the mayor has made; I think the proportion of corrupt electors is much larger than he stated it to be.

350. Does that observation apply to the whole, as a body, or to each ward?—To the whole as a body, At the last election, in one of the wards, on one side there were 490 electors polled, and 400 of them received 2 *s.* 6 *d.* apiece for their votes.

351. Are you stating this fact from your own knowledge?—I did not pay it, and I did not see it paid, but a person in the service of my son paid the money.

352. What ward was that?—That was in Byron Ward.

353. What is the largest sum you have ever known paid in any one ward for a municipal election?—£20 a vote.

354. What was the description of voter that received that sum?—They were tradesmen, what we should call respectable tradesmen.

355. Were there more than one that received 20 *l.*?—Yes; that was the election to which the mayor alluded. I have no doubt he spoke from memory, but he gave a wrong date to it; it was in 1844, and not in 1847. I can explain the peculiar circumstances which rendered that election a memorable one. When the municipal council was first constituted, the first election was conducted, I believe, upon perfectly pure principles, and a very superior class of townsmen were elected into it. That is my opinion, not because I was myself one of them; but I really believe it to be the case. At the first meeting of the council, the numbers were pretty evenly divided; but one party had a majority in the the council, and they appointed the whole of the 14 aldermen of their own side. The consequence of that was, that some bitterness of feeling was engendered on the other side, and when the annual elections came on, several of the most respectable of the opposite side retired from the council, and left the control of the council entirely in the other body. In two or three years' time after that, the opposite side determined to make an effort to obtain the rule of the council, and in the year 1844 they had elected 24 councillors against 18 councillors on the other side. The other side had 18 councillors and seven aldermen, the other seven being about to retire. If the party having 24 councillors had succeeded in gaining one more vote than they did on that occasion, they would have had a majority in the council, and could have appointed the seven new aldermen.

356. Did that give rise to the great bribery that took place in the election that year?—It was the struggle on that particular occasion which gave rise to that amount of bribery. In one ward there was 4,000 *l.* expended by the candidates, and in two other wards in the town the contest was almost equally severe. I should think probably, on the whole, there was 7,000 *l.* or 8,000 *l.* expended upon that contest, for the purpose of obtaining the mastery in the council.

357. Since the year 1844, when those circumstances occurred, has the practice of bribery continued with or without any intermission?—The unsuccessful party on that occasion have never

Mr. *J. Bradshaw.*

6 April 1869.

never since attempted to obtain the mastery in the council; but still the system of bribery has continued up to the present time. There are contests, probably, in one or two wards every year, and whenever there is a contest there is always bribery.

358. Does the contest turn upon political questions?—The parties nominated are generally of opposing politics, but they are not persons of influence or position in the town, and the contests of late years have subsided into a struggle between persons in the lower rank of life who have accumulated a little property, and who wish to obtain a position in the town, and they think that by having a seat in the council they become more dignified and persons of more influence and authority; and those are the contests which principally take place now; that is the character of them for the last 15 or 20 years.

359. Are there any of those contests which are quite devoid of any political object?—Quite so.

360. Do they take place between members of the same political party in the borough?—Occasionally they do; for instance, I was myself elected for St. Mary's Ward in 1858 without a contest; I was re-elected in 1861, and again in 1864, and again I offered myself in 1867, which was my year for retiring. From personal pique, another gentleman offered himself in opposition to me, and he gave, I suppose, 1 *l.*, 30 *s.*, or 2 *l.*, a vote. I did not give a farthing, and of course I polled 21 votes and he polled 300; but we were of the same political party. It frequently happens that the electors at one election elect a person of one political party, and at the next election they will elect a person of the opposite political party, because they get the money from the one side or the other.

361. Is the receipt of money the principal motive which induces people to vote at Nottingham at the municipal election?—It is the only motive, for the respectable people do not vote at all, or very few of them.

362. What is the feeling of the borough with regard to this notorious bribery?—Everybody, I believe, at least all respectable persons of both political parties, are very much ashamed, and very much disapprove of it.

363. Have any efforts been made within your knowledge to put it down or check it?—Not at all; and I think it would be a very bold man, indeed, who attempted to do so.

364. You mean that the unpopularity would be so great, that he would not like to incur it?—No doubt about it; and if our mayor, who preceded me, were to originate any proceeding of that kind, he would lose his seat in the council as a matter of course.

365. You think that is the reason why the law has never been attempted to be put in force?—I think that the principal reason has been the unpopularity which would attach to the person who would set it in motion.

366. Is there any connection between the Parliamentary and the municipal elections; does bribery at the municipal election bear directly or indirectly upon the Parliamentary election?—As far as my own observation goes, I believe that the municipal bribery has arisen out of the Parliamentary bribery. I recollect the two Parliamentary contests which took place in 1818 and 1820, and the Parliamentary majority on those two occasions was very small, 23 and 33; the polling lasted 10 or 12 days on each occasion, and the investigation of the voters' right to vote took place at the hustings. There was a great deal of bribery on those occasions. After that the corporation, under the old system, created a number of honorary freemen which gave their party a preponderance amongst the electors; and at the next election which took place, in 1826, the majority for the corporation candidate was about 250.

367. You stated that the bribery began in 1844, since the Municipal Act passed, since the present system has been in existence?—No; the bribery began before 1844.

368. You said that the first election after the Municipal Act passed was a pure one?—Yes.

369. When did the bribery begin?—I think perhaps two or three years after the first election; three years, probably.

370. The motive being to obtain a preponderance for one political party in the council?—Yes, to get the preponderance; I was in hopes, and so were many other gentlemen elected in the first council, that it would be agreed to govern the town irrespective of party principles, and to select the best men.

371. Have you any suggestions to offer, with a view to cure this evil?—I do not see any other method, except that of making the punishment of bribery more easy of enforcement than it at present is.

372. Did you not state that the reason why the law at present was not enforced, was the extreme unpopularity which would attach to any person who attempted to enforce it; how would that objection be removed by making the law more simple?—It must be done by a person independent of local influence and authority, who would be perfectly indifferent to the feeling of the electors.

373. You mean a person in the character of a public prosecutor?—Yes, exactly so.

374. You do not believe that the law could be enforced either by the local authorities, or by any person unconnected with any local authority, if he was an inhabitant of the place?—I think not.

375. Have you any other suggestion to make?—I am not aware of any at present.

376. Mr. *Villiers.*] You have no doubt, have you, that you could get evidence if you had anybody of that independent character to put the law in motion to convict the persons who were bribed?—I think it might be obtained.

377. You did not mean to say that everybody who has a seat in that council, has paid for his seat when you referred to the universality of the bribery?—I should not like to say that, because I had a seat there myself without paying for it.

378. Then it has been since you have ceased to be in the council, that it has become more general?—No, I only retired in 1867, three years before the last election.

379. Perhaps it was going too far to say that nobody could sit in the council without paying?—I did not mean that.

380. You say the respectable people do not vote, and that the majority of those who do vote, are open to corruption?—Certainly, they have the election entirely in their own hands; it is the impression of the respectable voters that it is useless giving themselves any trouble about it, and the candidates generally are of such a class

and

and character that they do not approve of them, and they decline to vote.

381. I suppose the great majority of those people that you have described, only vote for the sake of the money, and if they were not paid they would probably not vote at all?—Very likely not; and then the respectable parties would come and vote in time, and in time those corrupt voters or their successors would take an interest in individuals and town affairs and come in with the rest if you could put down bribery.

382 Do you agree with the mayor that if a man did not know whether he got the vote after he had paid the money he would not give the money?—I do not quite agree with that; in the contest by which I lost my seat, I think even if there had been the ballot I should have been defeated equally the same.

383. By corrupt influence?—Yes; but I think a person who obtains his seat by the ballot might be incapacitated from sitting, and prosecuted, and the parties who receive bribes, too, if he spent money corruptly or gave promises.

384. But if those people who are so corrupt would not get the money, supposing there was the ballot, they would not vote at all, would they?—I think many of those who have been in the habit of being paid for their votes would not vote at all, and I could give an instance of that, at the Parliamentary elections. There was an election in Nottingham in 1847, at which two gentlemen were candidates; one of them had been elected several times with a large majority, but with the influence of money; at that election in 1847, he would not pay any money, at least I do not say he, but there was no money forthcoming to buy votes at all, and that gentleman was at the bottom of the poll who had always been at the head of the poll before.

385. That looks as if money determined the elections at Nottingham?—Yes.

386. You infer, that if the people who received money did not expect it they would not vote, and then the respectable people who did not receive money would have it in their hands?—Yes; or the same class of people who had been in the habit of receiving bribes would come in and vote with their neighbours for the best qualified man.

387. What would be the inducement to a man to pay money if he was not sure of the vote?—It would be in this way: in the case of my election, if the party had said he would give 1 *l.* a-piece for a vote if he was elected, of course they would vote for him, because they would know, that if they did not vote for him they would not be paid another time; and therefore they would be honest to him for the purpose of being paid another time.

388. That would be the case where each party knows whether the bargain has been fulfilled or not; but I am talking of a system under which the person who paid the money would not know what he paid for, because the person voting by ballot might vote for you in that case, and not for the person who, you say, got in by paying?—If I had promised 300 persons 1 *l.* a-piece for their votes at the municipal election, and I was not elected, I should know that those parties had not been honest to me; and at the next election I should not give them money, and they would not get paid by anybody.

389. You mean that a man would say, "I will pay you if I win"?—He might say that.

390. You could not be certain of any man's vote, if he voted in secret?—Certainly not.

391. If those people only voted for money, they would not vote at all, if there was voting by ballot, would they?—If they were promised money to vote, they would vote.

392. Supposing, when a man came to claim the money, the person said, "How do I know that you voted for me"? he would not give him money merely because he said he had voted?—Of course not.

393. Do not you see in that one means of preventing corruption if the vote was made secret?—It is one means of course; I have hitherto, like the mayor, been opposed to the ballot; but I think it is desirable to adopt or try any plan which will check this corruption; I do not think that it is possible to extinguish it entirely, but I think it may be checked or discouraged.

394. Do you say that there is a very strong opinion in Nottingham against bribery and corruption?—Yes, there is amongst the respectable portion of the population.

395. But I am afraid it is further back than 1818 or 1820 that people have been bribed at Nottingham?—Yes.

396. It has always been a very corrupt place, has it not?—Mr. Birch contested the borough in 1802 against Mr. Parker Coke; he spent a great deal of money, and he was afterwards made a baronet for it; at least it was said so; and in 1812 there was a great contest, in which Mr. Arkwright was the candidate against Lord Radcliffe, and it was said that Mr. Arkwright spent 20,000 *l.* on that election, and was unsuccessful.

397. There always has been money spent at elections at Nottingham, has there not?—Ever since I recollect, and that is since 1818.

398. And the opinion of Nottingham is now, that that should be put a stop to?—Amongst respectable persons; not amongst those who receive the money.

399. They want some change in the law by which corruption may be prevented in future?—No doubt.

400. And you think secret voting is one way?—I think it is one way.

401. Sir *Michael Hicks Beach.*] I understand you not to look hopefully towards secret voting?—I think it would be better than the present plan.

402. You mean if the secret voting stops corruption?—Yes.

403. But I understand you to be of opinion that a candidate might bribe, and a voter might accept a bribe, though secret voting was established?—Yes.

404. Your idea of stopping corruption is mainly through the instrumentality of the law as at present existing, is it not?—I would make the difficulty of corrupting the electors as great as possible, and I would make the punishment severe when it was detected.

405. How would you make the difficulty of corrupting the electors greater?—The ballot would be one method of making it difficult, because there would be the uncertainty whether the party who was corrupted had voted in the way he was paid, or promised to be paid, to vote.

406. Still you are of opinion that a man might promise to pay, and pay if he was returned?—Yes.

407. In that event the bribe would be just the same?

Mr. *J. Bradshaw.*

6 April 1869.

same?—Just the same, and the punishment the same.

408. With regard to the appointment of a public prosecutor, what is the way in which you would recommend the law to be enforced; have you ever considered how a man should be appointed to that office?—No, I have not.

409. Or what kind of man would take it?—No, not at all; I have not given my attention particularly to the mode in which it may be accomplished, but I think it is not an impracticable thing at all.

410. You think it would not be possible to appoint a local man?—It would not be desirable to do so.

411. If you did not appoint a local man, how could he know anything about the circumstances of the place in order to institute a prosecution?—The parties who were aggrieved by the result of the election would give him information or provide him with evidence to punish the parties.

412. You still leave the initiative to the parties aggrieved by the result of the election?—Yes, of course he must have evidence from the locality.

413. But the initiative would still remain with the parties aggrieved by the result of the election?—It does not follow that anyone is to know who initiates the matter at all; the public prosecutor would initiate it as far as the public are concerned.

414. Do you not think it would come out that the parties who lost the election gave such information to the public prosecutor as would induce him to prosecute?—I think probably there would be some risk attending persons giving evidence in cases of that kind, but I think if a public prosecutor were appointed, and there seemed to be an honest and sincere intention to put down this system, the system would gradually subside, and parties who gave evidence against it, and extinguished it, would not be liable or subject to the unpopularity which at first would arise from their taking action in the matter.

415. What do you mean by an honest and sincere intention; on whose part?—On the part of the Legislature.

416. Then you think that the mere fact that further measures were taken by the Legislature, such as the appointment of a public prosecutor, would be an earnest of their wish to put it down?—Yes, and the infliction of penalties upon parties acting in these corrupt matters.

417. In fact you would wish a more stringent measure passed with reference to municipal elections, similar to the more stringent measure that was passed last Session with reference to Parliamentary elections?—Yes; only as we have annual elections, it would hardly be fair to put the expense of prosecuting those annual cases upon the parties who moved in them; I think the expense ought to be borne by the public rates, except as the mayor stated, it was a mere frivolous and vexatious prosecution, and then the parties originating it should pay the expense of it.

418. It would be likely, would it not, to add to the unpopularity of the prosecution if the expense was borne by the public rates?—Perhaps it might, but I think it would ultimately lead so far to the extinction of it that the expense would seldom be incurred; we should get the elections much more pure, and, ultimately, there would be no public prosecutions, or as few as there are now, and that is none at all.

419. In fact you think that the determination of the Legislature would influence public opinion?—I think so

420. Mr. *Gathorne Hardy.*] Is not this the present state of Nottingham; that the people who get the money, and those who give it, are not ashamed of it, and do not treat it as involving any moral guilt?—That is so.

421. Do you think that with that, without some very severe measure, you can hope to influence the public feeling, either of those who give or those who take?—I think an alteration of the law in a case of this kind would produce a great moral effect upon the parties who have generally been acting in those things, and would deter them from continuing those practices.

422. As I understand you, at present there is a sort of freemasonry between the givers and the takers, and, in your opinion, no kind of voting would prevent their keeping faith when they had taken the money?—I think not.

423. Supposing the ballot were to be tried, and a man were to find that, having bribed, say 300 or 400 persons, it appeared, as far as he could see from the numbers, that they had all voted for him, would he not be safe in paying the next time in the same way?—Of course he would; but he would be open to prosecution.

424. And that he is now, is he not?—Yes.

425. But, as far as the ballot is concerned, if he found that the number he had bribed happened to vote, he would have the same security in giving them bribes as he had had before?—Exactly.

426. And more chance of secrecy?—I do not think he would have more chance of secrecy, or as much; perhaps he would have as much as at present; but that is very little.

427. Now, you say, it is done openly?—Yes.

428. That is because there is no reprobation in Nottingham against it?—Not at all.

429. As I understand you, in your own case, only 21 people were found to come up to vote in a case where principle alone was in view?—That is so.

430. And that even those who ought to take an interest in the election, and who are very much interested in rates in the town of Nottingham, will not take the trouble to come and take their part?—Because they know that the result of the election is entirely in the hands of those parties who sell themselves.

431. And, in your opinion, they form a very much larger proportion than the mayor spoke of?—Very much larger, I think.

432. Are you of opinion that one-half of the 7,000 municipal electors are open to this influence?—Quite.

433. Mr. *Edward Egerton.*] Did I understand you to say that you thought it was the existence of bribery at Parliamentary elections which led to the existence of bribery at municipal elections?—Yes; because many of the voters, under the old system of Parliamentary elections, became municipal electors under the new Act of Parliament.

434. In Nottingham are there a very large number of freemen?—They are a diminishing number, I think; but there are about 2,000, if I remember rightly.

435. In those earlier elections there were a larger number of freemen, were there not?—Yes, there were.

436. And

436. And you think it was the taint of the Parliamentary elections which brought about this municipal corruption? — A man who had been in the habit of taking money for his vote at the Parliamentary elections, when he became a municipal elector, would look for it upon that occasion especially.

437. Are you prepared to give the same evidence as the mayor did, that there has been no attempt on the part of the respectable inhabitants of Nottingham to put down this, which is such a great evil to the town?—There has not been any.

438. Are you also of opinion, with the mayor, that the fact of this corruption has prevented a great many of the most respectable men in the town from offering themselves at the municipal election?—No doubt about it; I believe that what the mayor has said is perfectly true; that there are in the council, I will not say a majority, but there is a fair proportion of highly respectable and influential men of business and talent and character, but there are a great number of persons who, I should say, are not fit; it is a delicate thing to say about one's townsmen, but I do not think that if the elections were conducted upon pure principles those would be the men selected by the electors to represent them.

439. Do the same men that you tell us abstain from taking any part in municipal elections on account of the corruption existing at those elections, also abstain from taking any part in the Parliamentary elections?—No.

440. They take their part on the one side or the other —Yes, generally they do.

441. Is it your opinion that the corruption now at the municipal elections is greater than what exists at the Parliamentary elections?—The last Act of Parliament has admitted into the Parliamentary constituency all the corrupt portion of the municipal constituency, and of course we had the municipal elections on the 1st of November last, and at those elections the parties were bribed where there was a contest; a fortnight afterwards came the Parliamentary election, and of course the same parties think that there is a difference between the Parliamentary election and the municipal election; but the difference is, that it is a higher kind of thing, and they ought to have a higher price.

442. The mayor told us that the influence of those municipal elections had no effect upon the Parliamentary elections; do you coincide with what the mayor said?—The municipal elections have no effect upon the Parliamentary elections.

443. You have come here to state that there is extensive corruption at the municipal elections, and we know as a fact, that last year the municipal and Parliamentary elections took place within a fortnight of one another; there being, as we all know, great corruption at the municipal election; was there also corruption at the Parliamentary election on the last occasion?—I have no doubt about it, and I will give an instance of it. In the ward in which I reside at present, a gentleman offered 400 electors half-a-crown a-piece at the municipal election, and a great number of them, probably the majority, of the very same persons voted on that occasion for what we call the Liberal candidates, but at the Parliamentary election they voted on the other side.

Mr. *J. Bradshaw.*

6 April 1869.

444. Sir *George Grey.*] And you believe they did it in consequence of being bribed to vote for the Parliamentary candidate?—That is my belief.

445. Mr. *Locke.*] Were there any instances where a sufficient sum of money was given for a bribe at the municipal election, to induce a voter to give his vote to the person on whose behalf he was bribed at both elections, either on the Liberal side or on the other side?—No, certainly not; it was fresh bribery, it was a different business altogether.

446. It was in the year 1835 that this Municipal Corporation Act was passed; how soon after that do you say, that bribery was introduced into the municipal elections?—I think in 1838 probably, or 1837.

447. It was almost immediately?—Yes, it was. It was in consequence I believe of that part of the council which had the majority, appointing all the aldermen from their own side.

448. It was in 1835 that the Act was passed, and the first election was a pure election, but those persons at Nottingham had been accustomed to return Members to Parliament, had they not, before the Municipal Corporation Act was passed?—Yes, that portion of the constituency who were freemen; the old Parliamentary constituency were freemen and freeholders in Nottingham.

449. Freeholders to what amount?—Forty shillings, the same as the county; it is a county of itself; the freeholders voted, and the freemen.

450. A great many of those freemen became voters did they not, in the municipal election?—Yes.

451. And they understood what bribery was, before the Municipal Corporation Act was passed?—Yes; I say that the municipal bribery was founded upon the Parliamentary bribery.

452. Was there no bribery in Nottingham before the Municipal Corporation Act passed?—Yes, in 1818, 1820, and in 1826, there was.

453. I understood you to say that at some particular election, after the Municipal Act passed, there was a great deal of bribery, and that that induced people to be bribed at the municipal election; was it not what had always taken place at Nottingham?—It had always taken place.

Mr. John Sanderson Butler, called in; and Examined.

454. Sir *George Grey.*] What are you?—I am a resident in Nottingham, and out of business.

455. What was your business when you were in it?—A lace manufacturer.

456. Have you been engaged professionally, or in any other way, in municipal elections, not as candidate, but as an agent?—Not professionally, but from an interest and desire to see the party that I felt inclined to support, obtain the ascendency, and remain in it.

Mr. *J. S. Butler.*

457. As an agent, not as a principal?—Not as an agent, but I am now a member of the council.

458. Have you been engaged in any capacity in the conduct of the elections on behalf of other persons who have been candidates?—For many

Mr. *J. S. Butler.*

6 April 1869.

years I have been making arrangements for the conduct of the elections.

459. Have you heard the evidence of the two previous witnesses?—Yes.

460. Do you concur with them as to the extent to which bribery has prevailed in the municipal elections at Nottingham, for many years past?—I do in a great measure; I have only actually known one ward, Sherwood Ward, and in that ward there is very little bribery, or not to the extent that has been represented in any other ward that I know.

461. What proportion of municipal voters in Sherwood Ward do you suppose receive bribes; I think the mayor gave the number as 300 out of 1,435?—I think that is about the number.

462. Have you yourself been actively engaged in canvassing those 300?—I never canvassed them myself, but I may say that I have not known a municipal contest in Nottingham for the last 25 years without bribery.

463. What do you do with regard to the election in any given year?—I should make all the arrangements for the polling staff. This is a voting paper (*producing the same*). It would be filled up, and delivered by the voter to the presiding alderman.

[*The following Paper was delivered in*:—]

BOROUGH OF NOTTINGHAM.

VOTING PAPER FOR TOWN COUNCILLORS FOR SHERWOOD WARD.

Christian Name and Surname of the Persons for whom I Vote.	Place of Abode.	And Description.
John Barber - -	Long-row, Nottingham.	Tea Dealer.
John Howitt - -	Hampden - street, Nottingham.	Bookseller and Stationer.

(Signed) (Qualification) (Situation of Property)

House,

Nottingham, 1st November 1866.

Polling Place, Room No. 1, Mechanics' Institution. Entrance in Burton-street.

464. Having arranged that the voters shall have the voting papers, do you assist in bringing them to the poll?—Not at all; the canvassers would fetch them to vote.

465. Had you anything to do with bribing those 300 people?—Not at all.

466. Did the money come from you?—It never came from me.

467. Did it pass through your hands?—It never passed through my hands; but parties would have the money, and I knew where the money was placed.

468. Did you know the persons who had the money, what they had it for, and to whom they gave it?—I should get to know afterwards.

469. Your knowledge is limited to that ward?—My knowledge is limited to that ward entirely. Knowing the class of voters that have received money for years, I have made a note of them.

470. You know, in fact, those voters who were open to bribes, and who would vote for the highest bidder?—I do; I know the class of voters.

471. What is the highest amount of money that has ever been given to any voter for his vote in that ward?—Not more than 10 *s.*, and that would be an extreme case, near the close of the poll.

472. What is the class of voters?—If the bribe is 5 *s.*, it would be the humbler class; but if it got up to 10 *s.*, men of a more respectable class would come to receive it.

473. What would be their professions or employment?—I have known men of business, paying a rent of 40 *l.*, come for a half-sovereign.

474. A very large proportion of the voters in that ward were not bribed?—A very large proportion.

475. But were they of the same class as those who were bribed?—Of the same position in life. There are plenty of working men in that ward who would never receive a bribe.

476. Were there many contests in that ward?—Not a great many; it has a Liberal tendency, and there has not been much opposition.

477. It was not worth while to bribe there as much as in some other wards?—I think that was the reason.

478. Have you any addition to make to the evidence which the Committee have heard from the other witnesses; first, information as to facts, and then suggestions?—I have only information with regard to the "balance of power" that some people call it, in the year 1843, in the council.

479. Do you concur in the statement which has been made with regard to the election of 1844, and the cause of the extensive bribery which took place then?—Yes, I do concur in that; and I have a suggestion to make, having had a great deal of experience in conducting the elections.

480. Have you any suggestions to make, with a view to checking the bribery?—Yes, I have; I would speak of the Parliamentary election in Nottingham; we have 14,168, names upon the Parliamentary register, consisting of freeholders, freemen, and occupiers; an occupier may be at the same time a freeholder and a freeman, and he may have an occupation in two parishes, so that he would be on the register four times, and numbers are on the register three times, and we often find it difficult to prevent some of those men from voting more than once. My impression is, that no man's name should appear on the register more than once.

481. That rather turns upon the question of registration, but have you any suggestions to make with a view to checking bribery?—I have my own notions of conducting elections.

482. We have had evidence to show, that bribery to a very large extent exists in the municipal elections at Nottingham; have you any suggestions to make with a view to check bribery at the municipal elections?—I would have the Parliamentary register divided into wards in boroughs and corporate towns, and polling districts in the counties, and the names alphabetically arranged, the same as the municipal register; and I would only have them poll in those districts where their names are upon that district register, and that could be easily arranged. I would not allow canvassing, if canvassing could be stopped; it is a great cause of all the bribery, and all the evils that are consequent upon the elections. House-to-house canvassing

Mr. *J. S. Butler.*

6 April 1869.

is the great cause of all the evil. I would also not allow the state of the poll to be made known during the time of the voting. I would not allow any voters to be conveyed to or from the poll by either public or private conveyances, especially in boroughs; and I would have all nominations for candidates by nomination papers, to be signed by two electors, and a form signed by the person nominated accepting such nomination, and to be delivered before four o'clock in the afternoon, and a sum of money deposited for his share of the election expenses. The returning officer would make known a certain time by which the nomination papers must be delivered in. I would not have the election take place in less than two days after that, and I would not allow any check clerks to write down the names. There would be no necessity to have any expense. Those ward registers are district registers, and the poll could be taken from them. The candidate's agent could stand with them in his hand, and see that the party's name was on the register when he came to vote. That would simplify the conducting of the election.

483. How does all this bear upon bribery?—I would not allow canvassing, and I would not make known the state of the poll till the final close of the poll, because the moment it is known that a candidate is in the minority, if he is a popular man, his friends begin to bribe and exert themselves to get him up in the poll.

Friday, 9th April 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Bright.
Mr. Cross.
Mr. Dalglish.
Mr. Edward Egerton.
Mr. Graves.
Sir George Grey.
Mr. Gathorne Hardy.
The Marquess of Hartington.
Sir Frederick Heygate.
Mr. Staveley Hill.
Mr. Howes.
Mr. Hunt.
Mr. James.
Mr. Leatham.
Mr. Locke.
The O'Conor Don.
Mr. Raikes.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE MARQUESS OF HARTINGTON, IN THE CHAIR.

Mr. HENRY DARVILL, called in; and Examined.

Mr. *H. Darvill.*
9 April 1869.

484. *Chairman.*] YOU are Town Clerk of Windsor, are you?—I am.

485. Have you had much experience of municipal elections and of the mode in which they are conducted?—I have had considerable experience of municipal elections, having witnessed them for something like 30 years.

486. Have you formed any opinion as to whether they have been conducted purely, or the contrary?—I think that a practice prevails, I may say in most boroughs, of paying some men for their day's work for voting.

487. Does your experience relate to any other borough besides Windsor?—Not personal experience; but I apprehend that all boroughs are very much alike.

488. And this practice has prevailed in Windsor?—I presume it has; I have reason to believe it has.

489. Is it a matter of common notoriety?—There is no doubt that people are paid their day's work. I do not mean to say universally, because there are a great many respectable people, of course, who would not take anything of that kind; but many of the burgesses receive money in the shape of their day's work for voting at the municipal elections.

490. Is that, in your opinion, the extent to which bribery prevails in the municipal elections in Windsor?—I do not think it extends beyond that; it may sometimes come to more than the day's work; but I do not think that it extends much beyond that.

491. Does the sum of money which is paid vary in different elections, or is it usually about the same sum?—About the same sum; the voters go to the agent of the party, who is generally the agent of one of the political parties, and they receive the money.

492. But is about the same sum paid to any man who wants it, by each side?—No; I do not think it is. I think the majority at Windsor is essentially of one complexion, and that is altered by means of the payment of those moneys.

493. Do you mean one political complexion?—Yes, I believe that there is a particular political complexion, which if uninfluenced would be in a particular direction, and I think the alteration is made by means of those payments that I refer to.

494. Do any other evils prevail in the municipal election besides this payment of a day's wages?—Men are frequently intimidated and compelled by their masters to vote one way, when they would wish to vote another way, and I think, also, that the voting papers are very objectionable.

495. In what way?—I think they are repeatedly tampered with; in short, I know they are. As men come to the poll, persons will give them something to drink, and put in another name into the paper, and then take them up to the poll.

496. You allude to drink being given, does treating prevail to any great extent?—Not to any great extent, there is not much of it.

497. Are the elections peaceably conducted generally, or is there any rioting?—Very peaceably conducted.

498. Can you form any opinion of the proportion of electors in the borough of Windsor, who would expect to be paid a day's wages for their vote?—Enough to turn the election, I should think about 50 or 60.

499. What is the total number of voters in the municipal election?—The burgesses for the Out Ward are, 516; and for the In Ward, 298; in the year 1863, for the two wards there were only 660.

500. Are there any freemen on the register?—There are no freemen, I am happy to say.

501. Is there, in your opinion, any connection between the municipal and the Parliamentary election?—The same persons who act in the one, are always partisans in the other, on the same sides; and therefore the influence operating upon a man in one, will run into the other.

502. Is

502. Is it within your knowledge that the municipal election has ever been worked with a view to the ensuing Parliamentary election?—No; I do not think in the borough of Windsor, it has; but at the same time, as in the recent case, where the Parliamentary election immediately succeeded the municipal election, I think that the one did affect the other; but in the ordinary way, supposing the municipal election to take place on the 1st of November, and the Parliamentary election not to take place till the month of June or July in the following year, I do not think that the municipal election in November, would affect the Parliamentary election in the subsequent July; but if it takes place in the same year, practically it might be made available for the purpose of influencing the borough Parliamentary election with very great ease.

503. Have you ever known any attempt made to put the existing law in force to check bribery?—I have never heard of any attempt of the kind, and I think it would be thought an uncivil thing to do.

504. Is there any feeling amongst the most respectable part of the inhabitants of Windsor that this system of bribery or payment of voters is a disgraceful and discreditable one?—I have heard many strong observations made by candidates who have not succeeded, and who have informed me that they had promises given to them equivalent to a very large majority, and that, when they went to the poll, they were defeated by a considerable majority, which they attributed entirely to that system which I have referred to, and of course they were strong in their reprobation of such conduct.

505. How do you account for the fact that no attempt has been made to put the law in force?—Simply because when they have fought the battles they wish to end them there is no malignant feeling, I think, generally in our town.

506. But if it were generally felt to be a discreditable system, would not some attempts have been made to both sides to put a stop to it?—Men look rather to their personal interests than to high motives in matters of this description, and do not wish to perpetuate ill-feeling.

507. I believe you have some suggestions to make, have you not, for the improvement of the system of voting in those elections?—I think there are suggestions that I could make; I am only anxious to have the elections work well, and I do not make those suggestion from any political view upon the matter. In the first place, I think that there should be a 12 months' residence only, before the 31st of August, and not a residence of the whole of the year prior to the 31st of August, and the whole of the two preceding years which is now the franchise; I think that the present mode has this effect, that practically you cannot make up a satisfactory burgess roll or burgess list when you have to search through those long periods of occupation. The overseers furnish them, but they are most imperfectly done in every instance; and I do not believe there is a borough in the United Kingdom where the burgess roll is accurately made out; for the simple reason that it is almost impossible to get at it; you can get at the 12 months' residence, but to go back to two years and eight months, is a very difficult thing where you have to deal with thousands.

508. Sir *George Grey.*] What is the number of the Parliamentary electors at Windsor?—1,777.

509. What is the number of municipal electors?—The number of municipal electors is about 814.

510. Would not your suggestion raise the number of municipal electors to the same number as the Parliamentary roll, or nearly so?—No, not at all; the borough boundaries are not conterminous.

511. Do you think that increasing the number of electors would diminish bribery?—Yes; I think it would.

512. Is there more or less bribing at the Parliamentary elections than there is at the municipal elections?—I think that 100 people were bribed at the last Parliamentary election for Windsor.

513. *Chairman.*] Have you some suggestion to make with regard to voting papers?—Yes; I think that voting papers are objectionable, and that personal voting would be better; I think that the papers lead to considerable abuse.

514. Is it necessary under the existing law that they should vote by voting papers, or is it only optional?—It is compulsory; they must deliver in the papers with the names of the persons for whom they vote, to the alderman presiding in the ward.

515. And what system do you recommend should be adopted instead?—The same system as is now adopted in the Parliamentary election, namely, open voting, unless you adopt the alternative of secret voting, which is another thing.

516. Have you formed any opinion on the relative merits of those two systems?—My impression is, that the only thing that will ever put down bribery, corruption, and intimidation, is voting by ballot, and I am sorry to be obliged to come to that conclusion; I have opposed it all my life time, but I am bound to say I am convinced against my will.

517. What do you consider the great evils of the existing system of voting papers?—I think that they get altered and tampered with, and to ignorant people they are absolutely useless; a man does not know what names are upon them, many of them can neither read nor write.

518. Do they afford greater facilities for bribery?—I do not know that the voting papers themselves would give any greater facilities for bribery than open voting.

519. Do you recommend any change in the law for the punishment of bribery at municipal elections?—Yes, I consider the present law inefficient; and I would suggest this, that a petition might be presented against the return of a town councillor, and presented to the mayor who should send it to the Home Office, and that then a county court judge, not connected with that circuit in which the borough was situated, but some other county court judge should sit, with somewhat similar powers to those conferred upon the judges who now try election petitions in the Parliamentary boroughs, and that those parties should be subject to all the same consequences, *mutatis mutandis.*

520. Under the present law, any person may be disqualified from being a town councillor who has been guilty of bribery, may he not?—I do not recollect.

521. Will you read section 11 of the Act of the 22 Vict. c. 35?—"If any person at any

Mr. *H. Darvill*, Esq.

9 April 1869.

election of mayor, councillors, auditors, or assessors for any borough shall be guilty of bribery, he shall for every such offence forfeit the sum of 40 *s.* to any person who shall sue for the same in the county court, with full costs of suit; and any person offending in any case in which, under the Act or Acts for the time being in force with respect to the election of Members to serve in Parliament for boroughs in England and Wales, the name of the offender may be expunged from the list of voters, being lawfully convicted thereof, shall for the term of six years be disabled to vote in any election in such borough, or in any municipal or Parliamentary election whatever, in any part of the United Kingdom, and shall for such term be disabled to hold, exercise, or enjoy any office or franchise to which he then shall or at any time afterwards may be entitled as a burgess of such borough, as if such person were naturally dead." I now recollect that Act of Parliament, but I do not think that is enough.

522. Under that Act, a town councillor having obtained his election by improper practices might be disqualified, might he not?—He might be, if a conviction took place; but it is a very difficult thing to get a conviction of that kind. I have never known an instance of the kind.

523. But I think you said that you have never known it tried?—No, I have never known it tried, and I do not think it easy to get a person convicted of bribery.

524. He cannot be convicted, unless an attempt is made, can he?—It is a very difficult thing to convict a man of bribery before a jury.

525. You say that you did not think that the Act was enough; will you explain why you are of that opinion, and how you would have it improved?—Of course, that Act, to a certain extent, would carry out what I should have desired, namely, it would prevent the man sitting again as a town councillor, and it would prevent him voting at the town council elections; and I think myself that it ought to be continued for a longer period, and that he ought to be always disfranchised and rendered ineligible for a town coucillor; I think that he will never be touched by any clauses under that Act of Parliament, but he might be touched under a petition to be tried by a county court judge; because the mind of a judge is divested altogether of all personal considerations, but a jury carry into the jury box political complexions with them.

526 Do you observe that, under that clause, a person in order to be disqualified must have been guilty of bribery himself?—Yes.

527. Would you recommend that an election should be invalid, if bribery had been committed by agents?—Yes, I would; if you will allow me to define what I think an agent ought to be; my impression is, that no person should be permitted to canvass at all for any person, or to take any part in any municipal or Parliamentary election whatever, except under these conditions; that he should send to the candidate a form tendering his services as a volunteer agent or canvasser, and if the candidate accepts it, and files it with the returning officer, then that person should be an agent, and the candidate should be responsible for all his acts; but it is a very difficult thing to make a candidate at a municipal or a Parliamentary election, fairly responsible for the loose actions of a partisan, but he would be freed under that suggestion from that difficulty.

528. Would not that give great facilities for the employment of agents who were not openly recognised, and who might commit any breach of the law?—Then I should make them subject to a misdemeanour, and they would be punished. If any person canvassed other persons systematically without having got his authority from the candidate, I should say, "You have done an illegal act, for which you are responsible"; for he could get the authority if he desired it, in which case the candidate would be held responsible; but if the candidate was not responsible, and the man did it on his own authority, he should be punished for a misdemeanour; many candidates at Parliamentary elections have been unseated, simply because their friends have been over zealous.

529. Would you place treating at public-houses under the same law as bribery?—I would make it equally dangerous; I should further suggest that the voting should be by ballot, and I believe that that is the only way in which you would be able to get the true honest opinion of the men themselves who are voters.

530. Have you some suggestion to make with regard to the account of the expenses?—I think that it would be an excellent plan if the councillors and the agents that they employed should make a return, and make that return, both of them, upon oath, that no sums had been paid, or would be paid, beyond the amount specified in that return; and I would also include in that return, for the purpose of avoiding any question, all claims and liabilities, because, at Parliamentary elections now the only figures that are returned are of those sums which have been paid; and I have no hesitation in saying, and I say it most deliberately, that I am confident that many of those returns made by agents for Parliamentary expenses, are a farce; and that the expenditure is far in excess of the amount returned where there is a contest; I would suggest that all candidates, in the case of municipal elections, should be compelled to make a return, and to make it upon oath in the way I have mentioned.

531. Is it within your knowledge what sums have been spent upon municipal elections?—I never interfere with the municipal elections myself in any way, but I should say that a municipal election might cost perhaps 50 *l.* to a candidate; in some boroughs it is much more.

532. You do not believe that more has been spent by a candidate in Windsor?—I do not think so. But I believe that you will never get a fair return of the payments, unless the return is made upon oath; and I do not think that you will be able to get men to vote free from either corruption or intimidation without the ballot, either at the Parliamentary or the municipal elections.

533. Mr. *Villiers.*] Have you come deliberately to that conclusion with respect to the ballot?—I have, indeed, deliberately and against my personal feelings, and therefore it is an honest conclusion.

534. Have you considered all the consequences of adopting the ballot in lieu of the present system?—Yes, I have.

535. I mean with respect to liabilities and expenses; do you think that it might be the means of diminishing many of those expenses?—I think that elections would be much more quietly conducted.

536. But

536. But there are payments made, because a man is certain of the return that he will receive; payments to voters, and payments on account of voters, which, if he were not certain (which he would not be if there was vote by ballot), would not be made?—No; if you did away with the public-house system, which prevails now, it would relieve all municipal candidates, and Parliamentary candidates also, from considerable expenses.

537. Would not candidates be careful not to incur expense where they were not certain of getting the votes?—In the excitement of an election, those prudent considerations do not always regulate men.

538. Do you think that people would open public-houses, or go to expense in carrying voters, if they were to vote by ballot?—I do not think they would so much, because they would not be certain that the beer or the money would secure the votes; they might give the beer, but not get the vote.

539. But one of the consequences of adopting the ballot would be to diminish the expenses of election, would it not?—I think it would.

540. I do not quite understand to what extent you say that corruption exists at Windsor, but, as far as I understand you, you think that unless the people were paid or compensated for their time, they would not vote?—I presume that that is so, because I know that candidates for the municipal elections complain sadly of losing their promises by the means I have suggested. I have made no personal inquiries myself as to these things. I have not gone to people to ascertain whether they were bribed or not, because it is not within my province to do so.

541. From your residence in Windsor, knowing pretty well the character of the townspeople, that is your conclusion, that the working men would not go to the poll or would not vote, unless they were compensated for their time, and that that compensation amounts to a day's wages?—I should not libel the whole of the working men in that way. I should say, that about 60 of them were in that condition.

542. Sixty out of 600?—Yes, about that number I should say.

543. I think you stated, did you not, that a great majority of them are of one complexion?—If you were to ask me what I think of it, I think that the borough of Windsor is decidedly of one political complexion if left alone.

544. But the result of the election does not correspond with the complexion, does it?—No.

545. And that is determined by irregular influences that are used at the time of the election?—That is my opinion.

546. I think you also stated, that after the election is over nobody makes any remark upon the mode in which it had been carried?—Only those candidates who have lost, and their friends for a short time; the anger evaporates very rapidly.

547. But the more respectable townspeople, either despairing of the law, or not wishing to continue any ill-will, never put the law in motion, and there is no penalty for the corruption?—It might be proved very easily indeed, but I have never known an instance of the law having been put in force.

548. What do you think would be the effect, if it were the duty of any person in Windsor to put the law in force. Some person quite independent of the opinions and feelings of the electors?—If there were a public prosecutor, he would be very useful indeed.

549. As far as I understood you, you said that you would have no hopes from a jury, if anybody proceeded against a voter who had been bribed; but if you went before a county court judge, you thought that his independence would enable him to apply the law strictly?—I do think so.

550. If there was any person in the character of a public prosecutor, do you think that he would have plenty to do, and if the court, in which the party would be proceeded against, were the county court, do you think that there would be many convictions?—I think there might be; but I would put into the hands of the county court judge greater powers; whether the people would like it I do not know.

551. What would be the effect if voters knew that they would be convicted if they took those bribes; would they vote at all?—I suppose they would do pretty much the same then as they do now, if there was no ballot.

552. They are perfectly sure of impunity now, are they not?—I do not know; persons will risk these sort of things; if it were accompanied with considerable expense in the way of petitioning as I suggest, and a county court judge were to try the petition, I think it would be an effective way of preventing bribery, because immediately the election is passed the anger of the people induces them at once to present a petition, and the thing would go on of course.

553. What I want to learn from you is, whether those great facilities of being corrupt does not lead to corruption, and if there were sufficient motive to avoid it, whether the people would act purely?—I do not know; these motives are very difficult things; as long as there is a man willing to give a bribe there are always plenty of people to receive it.

554. You do not mean to say that of the whole town, that personal interest was stronger than political feeling?—My impression is that self-interest is a very potent lever with human nature amongst certain classes; they have principles that they would carry out, if they could carry them out, and still get the benefit of the bribe.

555. Do not they appreciate at all this privilege of voting for the municipal officers?—I do not think they care much about it; I do not think there is any vast amount of enthusiasm about it; it is personal chiefly.

556. What is the object of candidates making the payment; do they get much patronage or power by filling the office?—They get a little dignity by it.

557. Are they men of substance generally, who can afford to pay for being elected?—There are some of them tradesmen in the town of great respectability, and I daresay they would find the money very easily.

558. As the thing goes on now you have no doubt that the corruption will continue, and you think, do you not, that you have come to a time when it ought to be stopped?—I have no doubt whatever that that is so.

559. You think that some experiment ought to be made, and you think that the present state of things is a disgrace to the town?—I think it is a disgrace to any constituency.

560. Do you think that the respectable people in the town would be ready now to try some thing to stop that system of corruption?—I have no

Mr. *H. Darvill.*

9 April 1869.

no doubt whatever that they would be desirous of doing so; they are anxious only that those persons should be returned who are respectable, and that they should be returned honestly.

561. Have other people changed their opinion, as far as you know, like yourself with respect to the ballot being the best experiment now to make?—I think myself that a vast majority of the people are strongly in favour of the ballot, who formerly were not so; I confess myself to be a convert to the ballot, I was not in favour of it formerly.

562. Is it the extent of the corruption, and the hopelessness of the means hitherto adopted to prevent it, that has lead to that change of opinion?—I think so; I think that a man cannot protect himself against intimidation, or corruption, without the ballot; if a man were not sure of getting a *quid pro quo* he would not bribe.

563. He would not be sure of getting a *quid pro quo* with much confidence if it was voting by ballot?—Not the least.

564. Do you think that candidates are looked at now, rather as to what their means of payment are than as to their merits personally?—No, I cannot say that that is so.

565. Those that can pay are thought respectable?—No; there are two cliques in every town, and one clique supports one faction and another the other, and they generally take it up in a personal rather than in a political way, although of course it does partake of a strong political complexion, yet it is a composite motive that actuates them.

566. But then that would be the rule rather than any real opinion of the character of the candidate?—A man of good character, wealth and great respectability would stand a much better chance than a man of no character, or a disreputable person.

567. Then, are you of opinion generally that all classes in Windsor would prefer, if they exercised their judgment freely, men of respectable character?—Undoubtedly.

568. You have no fear of secret voting in that respect?—I believe that persons of the best character and the greatest respectability are those persons that are appreciated by the masses much more than disreputable people; decidedly so.

569. Mr. *Hunt.*] I understand you to say that you think that the majority in Windsor is of one way of thinking politically?—I say that I believe a considerable majority is of one way of thinking politically, if left alone.

570. But you say that at the municipal elections that majority is turned by some of the voters receiving pay?—I think so; but there have been other instruments at work besides that which have acted upon the municipal as well as the Parliamentary elections, and which I have not been examined upon; but I referred to this fact, I knew Windsor 35 years ago, and at that time it was the purest borough in England; the present Lord Derby was returned for it in the Liberal interest for nothing; all his expenses being paid; and Mr. Ramsbottom was returned free of expense, and for many many years, to my certain knowledge, the expense of an election in Windsor only amounted to 250 *l.* each candidate. Then there grew up a system of this kind which operated upon the municipal as well as upon the Parliamentary elections. One of the candidates at the Parliamentary election adopted the plan of giving about 200 people in the borough grocery and meat and other things, to the value of from 1 *l.* to 30 *s.*, every year; and the effect of that was thoroughly to demoralise the constituency. It was an honest, upright constituency till that took place, and from that time there has been, I say, a deterioration in political morality.

571. Did the giving of those presents by the candidate at the Parliamentary election retain all the recipients of the presents to vote on his side of politics at the municipal election?—Yes, certainly; the very same men who would go and serve out gifts and dole out those largesses were the very people who were employed to get those votes at the municipal elections in consequence of those donations at Christmas. I know that to be the fact.

572. Is that system still in force?—I do not think it is in force just now.

573. Has the system then, so fatally introduced into the borough of Windsor, of giving presents once a year by Parliamentary candidates to which you ascribe the corruption of the constituency, been maintained?—I do not think, since the gentleman I referred to retired from Windsor, that any of those monies have been given, although candidates have promised to adopt his system.

574. However the system of giving gratuities once a year has, till a recent period, been maintained?—It did continue until the gentleman ceased to be Member for Windsor, and then it ceased altogether; that gentleman did not continue those gifts to the people when he ceased to be a Member.

575. And you know nothing about whether the system has been maintained since by other candidates?—I do not think it has; I never heard of it prevailing.

576. Or any substitute for it?—No, I know of no substitute for it; I may observe this, that another plan has been adopted in the borough of Windsor, for obtaining votes, which perhaps may be equally efficacious, but then it would not be grounded upon bribery, but the instrument then would be intimidation; the plan is that of buying up a large number of small cottages. One person that I know has bought up about 130 cottages, and has ejected, in consequence of the way they voted at the last election, six, and given notice to quit 20; those houses, I do not hesitate to say, were bought simply for electioneering purposes, either to bribe or intimidate the people; I know that they were so, because they were offered to a friend of mine for that very purpose, and they were bought, as I also know, by the present owner for the very same purpose.

577. You consider that the purchase of those houses conduces to the voters at the municipal elections voting in favour of the politics of the owner of the property?—Yes, undoubtedly; and they can only protect themselves, as I say, by the ballot.

578. With respect to a day's pay to the voters at the municipal elections, as I understand you, without any pay at all, the majority would be decidedly one way of thinking and voting?—Yes, if not influenced by intimidation.

579. To put it in this way, without any undue influence, they would be decidedly one way of thinking?—Without mincing the matter, they would be what are called Liberal.

580. They would probably be of your way of thinking?—I am of that way of thinking, although I am

I am no agent for any party; I have no hesitation in saying, that that is my decided opinion.

581. Is this system of paying the municipal voters for their day's work, that is for voting, confined to one party, or is it resorted to by both? I have never heard of but the one party using it.

582. Your position is this, is it not, that the majority at the municipal elections is entirely turned by the day's pay?—That is my opinion.

583. I suppose it is the object of each political party in Windsor, to obtain the predominance at municipal elections?—Yes, I daresay it is, but I never interfere in those elections.

584. If the majority is entirely turned by the system of payment of a day's work for voting, how is it that the party who is defeated by that process has not used the power given them by law, to ensure the expunging from the register of those who so defeat them?—For this simple reason, that when the fight is over they wish the animosity to cease, and it is out of a kind of neighbourly feeling that it is not done.

585. So that having the power to take proceedings under the part of the Act which you have read, and so expunge from the register those by whose votes they are defeated, they have, out of kindness and neighbourly feeling, abstained from any such action?—Yes, it is not every person's business to be called upon to prosecute a person for this offence, and to run the risk of not succeeding.

586. You think, then, that it is not attributable so much to neighbourly feeling, as the prospect of not succeeding in the proceedings?—I did not say so; it might be both.

587. You stated, did you not, that the persons who are put up for those municipal offices are persons of respectability in the town, and they have no difficulty in finding the money?—Just so.

588. Do you consider that their finding the money for such a purpose at all detracts from their respectability?—That is a question of opinion, and men take different views of ethics. Some persons think nothing of bribery, and some think a very great deal of it; therefore, it depends upon a man's individual convictions.

589. But would a person lose his character for respectability in your borough, if he were known to have spent 50 *l.* to secure his election at the municipal election?—I do not think he would, any more than a Member of Parliament would.

590. Then, there is no moral sense amongst the majority of the community against corrupting the electors?—I do not see that that conclusion is to be drawn from those premises, I cannot say that a man may have a very strong objection to bribery; I have a very strong objection to bribery, and many hundreds in the borough have a very strong objection to it, and yet if they knew or suspected that a town councillor had been guilty of bribing the people, they would not taboo that man and stand aloof from him, and say they would not speak to him.

591. A man does not lose caste in Windsor society by being known to have bribed?—I do not think he does, nor in any other society, as far as I can see.

592. You have given us your views with regard to agency, and you think that no person should be permitted to canvass unless he has a formal document from a candidate, authorising him to do so?—I really think that that would put an end to this question of agency altogether.

593. Do not you think that if your views were adopted, though it might guard the candidate from the consequences of bribery by agents unauthorised in the way you have mentioned, it would not at all prevent the elector being corrupted by unauthorised agents?—That exists now.

594. But with the possible consequence of the candidate being defeated?—It is a very difficult thing to set up an infallible mode of preventing bribery.

595. You are looking at the matter from the point of view of the protection of the candidate from the acts of unauthorised agents?—Yes, if the candidate is sincere in wishing to be pure, he would wish that no person should act for him without his authority so as to commit him; for instance, supposing a municipal candidate were to go round and canvass a borough, and he had a person with him who canvassed with him, that man would be an agent; and supposing that person to corrupt the constituency I presume if the law were properly made, that man would be liable for the acts of his agent, and he ought to be unseated; but I do not think you can unseat a municipal candidate now for the acts of his agents.

596. Have you read the accounts in the reports of the evidence given before Commissions and Committees, of the way in which corruption has been carried on at Parliamentary elections in some of the worst constituencies in the kingdom?—I have read a great deal of it.

597. And have you not found out that the worst bribery is committed by persons whom the candidate professes to know nothing of, and deposes on oath he knows nothing of?—I admit that he professes to know nothing of them.

598. But still your belief is, that those persons are acting in the interest of the candidate, even if unknown to him?—In the interest of the candidate there are subsidiary agents whose names do not transpire and are not known, but the money is paid for by the candidate in every instance, I believe.

599. You still think that candidates should be allowed to have canvassers, provided they duly authorised them?—Yes; certainly.

600. What is the object of canvassers?—The object of a canvasser is to ascertain the views of the electors on behalf of any particular person, and to induce, if he is a fair canvasser, by reasonable arguments, a voter to vote for his friend.

601. No person could discharge the duty of canvassing without ascertaining, or endeavouring to ascertain, the political opinions and the probable votes of the persons canvassed?—Exactly so.

602. If canvassing goes on, and the political opinions and probable votes of the persons canvassed are ascertained, how could secret voting be maintained?—If canvassing goes on it enables each candidate, at the end of his canvass, to make up his balance-sheet, so to speak, and then he knows exactly how he stands; that is the object of the ultimate canvass; and if you ask me what I would wish, I would say, I would have no canvassing at all, as far as I am concerned; but if you are to have canvassing, then, I say, the effect of that canvassing is to make up a balance sheet, and that system of canvassing and making up a balance sheet is that which induces the corruption. For instance, supposing

Mr. *H. Darvill.*

9 April 1869.

posing a constituency consists, we will say of 1,500 electors, and there are two candidates, one on each side, they make up their accounts, one has 800 and the other has 700 promises, and they know exactly how they stand. If the man with the 700 promises to his canvassers found himself that he must be beaten, and he did not mind spending money, he might say, "Very well, I must buy 60 men of the other side, and then I shall get a majority;" and he would arrive at that from the canvass.

603. That I quite understand, but that was not quite the point of my question. What I wanted to know was this, how could secret voting be maintained, provided you allowed the canvassers to ascertain beforehand how a person promised to vote?—Inasmuch as a man canvasses in the interest of one or the other of the parties, I have no doubt the effect of the canvass would be this: Supposing I, as a Liberal, canvassed one of the voters, a Liberal artizan, he would say to me this, "We will say nothing at all about it; I mean to be with you on the day;" when the other party canvassed him he would say to them, "Oh, I shall consider it over; I dare say it will be all right on the day." If he was afraid of the other person, I have no doubt he would rather throw the man off his guard, but he would tell his own friend what he would do; it is very likely he would say nothing about it to the other party; I think that would be about the course that the thing would take.

604. I will take the case that you mention in the borough of Windsor, where some persons have bought a large number of houses with the view of influencing the tenants at the elections; if the system of secret voting were adopted, would you prohibit that person asking any question of his tenants, either personally or through an agent, as to how they were going to vote?—As far as I am personally concerned, I would, but I daresay the House of Commons would not do it, therefore I must submit to the logic of facts.

605. I want to know your opinion, first of all, as to whether it ought to be done, and then as to whether it could be done?—As regards personal canvassing, I admit that there is a certain moral pressure put upon every man that is canvassed.

606. If you are to have entirely secret voting you must not allow canvassing at all; is that not so?—I do not know that; I cannot arrive at that conclusion.

607. I will put it in this way: if the owner of those houses that were bought for political purposes in Windsor asks the tenants how they were going to vote, and they say they are going to vote in a particular way, either for or against him, what is the use of their afterwards going and voting in secret, because he knows how they are going to vote?—I very strongly suspect that he would not know. We will suppose that the owner of the houses is a Conservative, and he canvassed the tenants; if a man was a Liberal, he would say, "I shall be all right on the day of the election;" he would evade the question, and vote against the candidate that his landlord supported.

608. You think in many cases a false answer or a false promise would be given by the voter?—Or an evasive answer of that kind.

609. If an evasive answer or no answer were given to the person who thought he had a right to command the vote, according to the views of those people, would he not assume that the voter was going to vote against the principles that he supported?—That depends upon the nature of the evasive answer. I think I could give an answer myself which would lead him to believe I was going to vote for him.

610. Taking the average voter, and not a person of your dialectical skill, what would you say?—There is a deal of shrewdness amongst those men.

611. We will take it that there may be men shrewd enough, without telling an absolute lie, to deceive the questioner, but, taking it as a rule, would not the person canvassing be able to ascertain the manner in which the voter would probably vote?—I think each side would be able to ascertain its relative strength by the canvass, and its absolute strength to a certain extent.

612. Canvassing does not only consist of formally going round and ticking off promises in a book, but canvassing is done in many ways in English life. If you were dining with me, and I said, over a glass of wine, "Now, Mr. Darvill, I hope you will vote for So-and-so," you, perhaps, might not call that canvassing, but still it would be something very like it, would it not?—It is canvassing in a sense, undoubtedly, but it is not a systematic canvass.

613. Is not our whole system of political life in this country discussing public matters and disclosing our political opinions, and does not that run through all our intercourse with each other?—Yes.

614. Unless you alter the whole system of English life, and our habits of conversing with one another, how can you maintain secret voting?—I think you can maintain secret voting, and yet secure all that which you speak of; I think this: that if a man is to express his opinions upon any political subject he ought to be able to express them without let or hindrance from anybody, and if he has got a landlord opposed to him in opinion, or if he has a master opposed to him in opinion, he cannot now exercise his franchise honestly without personal injury, and I think he ought to be protected.

615. Supposing that one of the tenants of those houses that have been referred to has been canvassed, and has given an evasive answer, or is intending to vote for A, and has told the person who endeavoured to influence him that he is going to vote for B; that is to say, has given a promise which he does not mean to keep, and he afterwards votes in secret, do you think that his comrades and the persons with whom he associates in everyday life would not know after his vote has been given how the man has voted?—I do not think they would; I think the man would keep his own counsel; and if he has told a lie, depend upon it he will not let anyone know that he has told a lie.

616. Do you think that 50 voters who may have voted against their promise by the system of ballot, would afterwards keep their vote secret during the next month?—I think they would; a man would look at it in this way: Mr. So-and-so has come to me, and he says, I am his tenant, and he wants me to vote for So-and-so; I do not want to vote for So-and-so, but I will tell him that I will, just the same as Gallileo when he said the sun goes round the earth; but the man would say so, and would not perform his promise, and very likely he would make it out to his own conscience

science just the same as if he was robbed by a highwayman.

617. No doubt a man may apply any salve to his conscience, but supposing his conscience was at ease, and his vote had been given in accordance with his political opinions, but against those of a person who thought he had a right to influence him, do not you think that in course of time it would come to the knowledge of that person that there was reason to believe that So-and-so had voted not in accordance with his promise?—I do not think it would.

618. We will take the case you have put: the books had been made up, and the majority of the promises appeared to be in favour of a particular candidate, but the result of the ballot was that that candidate was signally defeated, do not you think that such a person as we have been mentioning would have a shrewd suspicion that some of his tenants had not voted according to promise?—No, because he cannot earmark them.

619. But he would have a shrewd suspicion, would he not?—They all would say, "I voted for you, sir."

620. Do not you think he might say to them, "I know the poll has not gone according to the promises, and I ask you as a man of honour, how did you vote"?—Of course the answer would be, "I voted for you, sir."

621. Do you think he would tell a lie and stick to it?—Yes, just the same as if he were stopped on the highway. The man has peculiar views of morals, and he would say this: "If I were stopped by a highwayman with a 1,000 *l.* note in one pocket and 5 *s.* in the other, and I gave up the 5 *s.* and said that was all the money I had got, there would be no great harm in it; and if a man comes to me about my vote, I consider I have as much right to my vote as to my money, and therefore I shall tell a lie." I believe that to be the morals of a great many people.

622. Do you think that a system which would induce such a practice of lying would be better than the present system of open voting?—But the present system creates a great deal of lying.

623. Not in that way?—Lying of all sorts. I have seen a great deal of lying under the present system; a person promising to vote for one person, and voting for another, which is practically lying.

624. But do not you think that the system of lying, with regard to votes, would be very much increased?—I do not know; I think evasion would be increased.

625. I want to go further into this question of the ballot; you are a gentleman who takes great interest in public questions, I believe?—I take an interest in everything that tends to the welfare of my country.

626. Political opinion is formed in this country by discussion, is it not?—I am happy to say it is.

627. And political opinion is expressed by public meetings?—Certainly.

628. Do you apprehend, if the system of ballot were introduced, that political discussion at public meetings, and taking the sense of public meetings on political questions, would continue?—I think it would.

629. The ballot then would not be secret, and would not protect the voter in his vote in the case of all those persons who gave expression to their political opinions at public meetings?—With regard to public meetings now, Liberals, and Tories, and Radicals, and so on, all go to those meetings; but they do not vote according to the platform, so to speak, that appears before them; they vote just the opposite, as the case may be.

630. I do not know whether I quite apprehend you; do you mean to say that a Radical will go and vote for a Tory proposition at a meeting, and *vice versâ*?—No, I did not say that. I thought you referred to the presence of those people at these meetings as an indication of how they intend to vote. Supposing Conservative voters were to be present at a Liberal meeting, they would not, from the fact of their being present at a Liberal meeting, be regarded as Liberals.

631. My question is this, whether a person who expresses an opinion upon a political question at a meeting, either by making a speech in favour of a particular view, or by holding up his hand if the question were put to the vote, would not identify himself with one political party, or one particular view, and therefore no secret voting could prevent its being known how he voted afterwards upon such a question, or in support of a candidate advocating such a view?—If a person got upon a public platform, and expressed his opinions, his opinions would of course be well known, and he need not be canvassed; but if a person attends a public meeting, and holds up his hand, it is a thousand to one that any one would take the slightest notice of a unit.

632. Supposing it was a question as to whether A or B was a fit candidate for the representation of Windsor, and a public meeting was held in support of one or other of the candidates, it would be the object, would it not, of his party to ascertain whether he was a candidate that was acceptable to the meeting?—Yes.

633. Supposing it was put to the vote, and a show of hands was called for, would not it be clear to everbody that the persons who held up their hands for the candidate then intended to vote for him?—Yes; but I do not think that men who are liable to severe pressure, and whose masters they know would intimidate them, or injure them, or who were subject to the coercion of a landlord, would attend those meetings; they would be afraid to attend them; they would say, "I should have gladly been there, but in point of fact, I was afraid."

634. Then you admit this, that persons who were there, and gave expression to their opinion, either by a speech, or by holding up their hands, would give an indication of how they intended to vote?—By a speech, decidedly; but I think it is very unlikely that it would ever be discovered amongst the thousand hands, that any particular hand was held up; the man would say, "I was present, but I took no part in the meeting."

635. You, as I understand, have been opposed to the ballot all your life?—Yes.

636. And you now accept it reluctantly, as a preventative of corruption?—Yes, and of intimidation; I have seen so much intimidation, that I believe the ballot is absolutely necessary.

637. By intimidation you do not mean a threat of personal violence; you mean undue influence, do you not?—I mean personal injury in business, withdrawal of custom, ceasing to employ, turning out of doors of dwellings by ejectment, and things of that kind.

Mr. *H. Darvill.*

9 April 1869.

638. Let me call your attention to the ballot, as affecting the question of purity of election; what reason have you for thinking that the ballot would ensure greater purity of election?—I think upon the mercantile principle, that a man would not feel disposed to pay for a thing that he was not sure of receiving; therefore I do not think that a man would be very likely to give another man a bribe without he was certain that he would get the vote; if he went to election and was beaten, he would say the next time, "I threw away 1,000 *l.* at the last election and got nothing for it."

639. Have you ever heard of the principle of "No cure, no pay"?—I have heard of it in days that are gone by.

640. Do you think it possible that a candidate might come down promising to spend a certain sum of money amongst the lower orders of voters in Windsor, if he was elected?—No doubt that might be suggested; but that is a very difficult game to play.

641. Let us examine it; you have told the Committee to-day that the number of voters that you consider bribable at the municipal election is 50 or 60?—Yes.

642. And that you say will turn the balance?—Yes.

643. I presume that other persons in Windsor are aware that 50 or 60 municipal voters are bribable?—I daresay they are.

644. You have told the Committee that you believe that at the last Parliamentary election 100 voters were bribed?—I believe that is so.

645. And that, I suppose is known to other persons?—No doubt.

646. It would be possible, would it not, for an agent either authorised or unauthorised to get upon a sheet of paper the names of those persons who are known to be willing to receive bribes?—Yes, he might get them on a sheet of paper.

647. I suppose you, or your informant, or informants, could now put the names down on a piece of paper?—I daresay we could put them on paper.

648. Supposing the person who has taken the pains to ascertain the bribable portion of the constituency of Windsor puts their names down on paper, and goes round to them and says, "You are my man at the next election; will you vote for the candidate who will give me the largest sum of money to divide amongst you if he is returned;" you could conceive of those 50 or 60 or 100 men assenting to that?—No; the man that is attempted to be bribed is just put exactly in the position of the candidate; he would say, "No, I do not like that bargain, because I do not know that I shall have my money; how do I know if you do get in that I shall have my money? I have been tricked before; it is a very common practice, and it has been done before now."

649. Is it not the case that the money is very often not paid till afterwards?—Yes; and I was speaking some time ago of that practice to one of the most accomplished men. I said, "What would be the effect of voting by ballot?" and he said, "The fact is this, that if they went upon the principle of paying afterwards, you may depend upon it they would never get paid at all, and that evil would cure itself."

650. Is there not in political corruption what is commonly called honour amongst thieves?—I do not know.

651. Are there not many persons well known to the electors who could be thoroughly trusted to pay them a 5 *l.* note all round, if he promised he would do so?—I do not know that; I am not satisfied that you would find a man of that kind that would be trusted. He must be known, to begin with, and if he is known he would be detected.

652. Under the present system, you say that voters are unwilling to vote unless they actually get the money down?—Yes.

653. But supposing that the system of the ballot prevented their getting any money down, they might be willing, perhaps, to vote in respect of a promise to pay?—Yes, but it could be easily detected, I think.

654. Supposing what I may call a gangmaster gets the names of all the bribable voters in the borough on a sheet of paper, or if he merely carries them in his own head, and he either calls a meeting, or goes round to the different individuals and says, "If A is returned for this borough, you will each have 5 *l.*; but if B is returned, you will only have 4 *l.*;" do not you think it is likely, although their individual views will not be ascertained, that they will most of them take care to give their votes in such a way as to insure the return of the man who will give them the most at the end of the time?—I am not at all sure that that would be the result. I think that a man would be very likely to exercise his own political opinions, and leave the rest to the chapter of accidents, and if the candidate got in, he would go and claim the money, whether he voted for him or not.

655. You have heard, have you not, of the expression in some boroughs, that they do not care who they vote for, but they vote for Mr. Most?—I am not aware of it, but I daresay that may be so.

656. Supposing that such a system were possible and could be carried out, then the ballot would not ensure purity of election?—To say that it will is a difficult thing, but I say that it would very much mitigate the disgraceful practices at present existing; and I believe that it would very much mitigate, if not altogether destroy bribery; but I am afraid that that would be very difficult, and it would take some years before it eradicated the system altogether. It could only be eradicated altogether by a man finding that he did not get the value for his money.

657. With regard to candidates, candidates now very often spend very large sums of money, and then have the mortification of being defeated?—Yes.

658. Those are the persons who generally complain of corrupt practices, are they not?—I think that is so.

659. The complaints do not come from those who corrupt and have succeeded, but from those who corrupt and have failed?—Exactly.

660. Such a system as I have mentioned would secure the candidate, would it not, from paying any money unless he succeeded?—No doubt; but then I do not think that you will find the people are fond of trusting in cases of this kind; that would be found a very great difficulty.

661. You told us just now, did you not, that you were anxious that a declaration should be made by the candidates and by their agents, not only

only as to what money they had spent, but as to what money they would spend; as to their future liabilities?—Yes, and to make oath of it.

662. But then that supposes that some money is to be paid afterwards and knocked down on the nail?—No, I do not mean that at all. For instance, there are things that come in to the candidate through the negligence of persons that the candidate knows nothing about, and the bill, an honest bill, comes in afterwards; and he says, "I have made up my accounts and given them in"; what I propose is, that he should supplement another affidavit, stating that it had come in afterwards, and return it to the returning officer.

663. I understood you to say this, that unauthorised agents very often bribe wholly unknown to the candidate, who took care not to know anything about it, but that afterwards the money so spent was paid by the candidate?—I am not aware of having said so, but I believe it is so frequently.

664. Then if that is so, you are of opinion that even in the present state of things people do trust to getting money afterwards from the candidates?—Yes, no doubt they do; there is a great deal of faith, no doubt, in electioneering; but I do not think that it would operate so largely, as the Right Honourable Member seems to imagine. I have seen a great deal of electioneering in my time, and I do not think people are so fond of trusting anybody, although no doubt there is a good deal of trust; for instance, persons are employed as agents repeatedly, and not returned as agents, and they are paid afterwards by the candidates; that is a positive and well-known fact.

665. If that system of trusting enabled unscrupulous persons to bribe voters on the principle of "no cure no pay," then the ballot would not ensure purity of election?—Those persons that I refer to as trusting the candidate, are persons generally in a better position of life than poor artizans; they are men who are agents, acting (if I may say so) on their own hook, so as not to commit the candidate, and when it is all over, they trust to be paid by the candidate; that is to say, he adopts them when the election is over, and their agency has answered, but if it does not answer, it is not known that they were his agents.

666. If you are well up in the literature of bribery, I think you will know that sometimes bribery is done in this way; a person enters a voter's house, the voter puts up so many fingers, and the person gives a wink and walks out of the house?—I have heard of that being done.

667. That is to say, he entered into an informal kind of promise, but you have heard perhaps that voters, even on the strength of that wink, do understand that if they vote for So-and-so they will get their 5 *l.* or 10 *l.*?—It is equivalent to a promise, no doubt; but I have heard it stated by some persons that those people will have the money down, and I believe they do.

668. In some boroughs, do not they trust promises by word of mouth, or by a wink in others?—I never heard of any; I do not believe many would do this.

669. That has been very much the system that you describe in Windsor, the money not being paid at the time of the elections, but at a certain period of the year gratuities have been given?—That is only a kind of standing retainer, or a renewal of the retainer every year.

670. There was a great deal of trust, was there not, on the one side or the other, when that system was in vogue?—There were articles delivered every year punctually; there was no trust at all.

671. As a retainer for a future vote?—Yes, certainly.

672. The person giving the gratuities fully trusted that the recipient would vote for him?—Yes, if he did not he would not have it the next Christmas; if a man under the system I refer to did not vote according to the card, he was struck off the list, and if he died his widow did not receive it.

673. Do not you think that a man of ingenuity who has devised that system in your borough, would devise a plan of getting at the voters under the ballot?—I think that they might attempt to bribe, but I do not think that they would succeed, I feel perfectly confident that if men were left alone they have honesty and integrity enough to carry them through.

674. *The O'Conor Don.*] The Right Honourable Member has asked you some questions with respect to the effect that the establishment of the ballot would have upon the tenants of those sort of cottages that you describe as having been bought for election purposes; do you think that if the ballot were established, any gentleman or any person would buy cottages for the purpose of having votes at an election?—No, and moreover I go beyond that; I am quite satisfied that if the vote by ballot passes, every one of those cottages will be in the market in less than 12 months.

675. You think that no person would buy property for the purpose of getting votes, the getting of which votes afterwards he would be uncertain of?—Certainly he would not; it is a very bad investment; cottage property is always objectionable, and it is very objectionable when you buy it and do not get the vote.

676. You were also asked whether the introduction of the ballot would not lead to a great deal of falsehood in the way of persons promising their landlords their votes, when they did not intend to give them, and also after the election telling a new lie, and stating that they had voted for the candidate of their landlord, when in reality they had voted the other way; do you think that if the ballot were established, the landlords would in most cases ask those questions of the tenants, when they would know that the answer they receive might either be true or false, and that it would lead to no positive information?—I think they would find it out to be a work of supererogation.

677. Therefore you think that the establishment of the ballot would not lead to a great increase of falsehood and lying throughout the country?—My opinion is, that the thing would cure itself by the force of the ballot.

678. At present there is a great deal of falsehood, is there not, at elections; persons do make promises, and do not keep them?—No doubt about that.

679. You do not think that the introduction of the ballot would lead to any increase of that evil?—I do not think that it would lead to any increase; but it would greatly mitigate the existing evil.

680. Canvassing you have described as consisting of two objects; first to discover how the two candidates relatively stand, and secondly for the purpose of inducing the voter to vote one way

Mr. *H. Darvill.*

9 April 1869.

way or another, and having the effect upon his mind of persuading him to vote in favour of a particular candidate; do you think that the introduction of the ballot would interfere at all with the second object of canvassing, namely, the object of convincing a man that a certain candidate is a good one, and that a certain line of politics is right?—Not at all. I think that electioneering would partake of a higher character than at present. I think that the present domiciliary canvassing would go out, and that men would learn the opinions of their candidates from public meetings, and that, instead of a partial, there would be a free and open mode of ascertaining public opinion in the borough.

681. I presume you know something about clubs in this country?—Yes.

682. Are you aware that in most clubs election is by ballot?—Yes.

683. Although election is by ballot in a club, it does not prevent a person going about amongst his friends and saying, "So-and-so is up; he is a very good man, and he would be a very great acquisition to the club, and I would be obliged to you by your voting for him;" it does not prevent that?—Not at all; but I think there is no exact analogy between voting at a club and voting for a Member of Parliament, because the one is a social arrangement between gentlemen. Supposing I proposed the honourable Member for a club, and it was open voting, and a person got up and said, "I object to him, because he did so-and-so." If he were admitted into the club it would break up the club, and the club could not exist; therefore it is not the same case.

684. I do not put it to you in the way of an analogy in other respects, but with respect to that sort of canvassing, one man saying to another, "such a man is a good man, and suitable to be elected"?—We cannot avoid that, and that is what I call canvassing. If you canvassed for a friend in the club, and said, "So-and-so is going to blackball him, but I want you to come and help me to get him in, for he is a good fellow"; that is very natural, and that sort of canvassing would go on in a borough.

685. You spoke of a certain amount of landlord intimidation existing at the elections in Windsor, and you stated also, did you not, that bribery in the shape of giving money existed there?—Yes.

686. You also stated, in answer to a question, that you objected to the present system of voting papers in municipal elections, but that you did not consider that voting papers afforded any greater facility for bribery than open voting would?—I do not think they do.

687. Do you consider that the system of voting papers affords greater facilities for intimidation?—I think so, both for intimidation and tampering. What I mean by tampering is this: a person may get hold of a man who can neither read nor write—and I am sorry to say there are some who can do neither—and ask him, "Who are you going to vote for, and he says, "So-and-so." This person may then give him a pint of beer, and say, "You have filled it up wrong," and he may go and alter every word of it. After the man has voted, he may be asked, "You voted for So-and-so?" he will say, "I meant to vote for you, but Mr. So-and-so got hold of the paper and altered it."

688. Does not the system of voting papers also afford great facilities to a landlord to go round to his tenant, and go into his house, and say, "I wish you to enter upon your voting paper such a gentleman's name," and see it entered there before him?—He would do it himself very likely; but the papers are generally printed, and he would put in the names of the parties who were of his way of thinking, and he would say, "Mind you sign that, and go up and vote."

689. So that you do believe that the present system of voting papers affords greater facilities for the exercise of intimidation, though not for the exercise of bribery than open voting?—Yes, I think so; I think they are very objectionable in that respect.

690. Mr. *Locke.*] Do they likewise afford opportunities, as you say, of tampering?—I think they do a great deal.

691. You say you prefer the system of ballot; how would you have it carried out, because you object to papers?—I can describe to you how I think it could be carried out; I have thought over it a great deal; it has been a very difficult subject with me; I have thought of a variety of ways, and I will tell you how it might be carried out; there must be some place which has an entrance for all and every one of the electors; at that place the man must be seen, and he must be seen by the agents on both sides, so that he may be asked, "What is your name?" "John Snooks. Number so-and-so on the register." "Pass on." That man has then passed through the ordeal of his actual existence as a voter. He is certified as a man who is entitled to vote; you may have the number on the register where the people are to vote, from one to 300, from 300 to 600, and so on, posted up at the ballot places. Then let him go on into a long box, and at the end of that box let there be a ballot clerk, or call him what you please, with a box before him; I propose that there should be an assessor, so to speak, appointed by each candidate who should sit alongside of the ballot clerk to prevent tampering, but that they should neither of them reside or have resided within 10 miles of the borough, and they should take an oath not to reveal anything. They would not know anybody who came; and they would not know the man, because they would not know his name. One should represent one candidate and the other should represent the other candidate, and they should say, "Who do you wish to vote for?" Then the person who keeps the ballot box takes out a ticket for each, just like a railway ticket, and gives it to the voter, and he puts it in the box, and he passes on. There is no one to know how he voted but those two persons, and they do not know him; therefore, I do not see how it can affect him; then at the end of the day the number of tickets given by the person who keeps the ballot box can exactly be checked off, and sealed, and they ought to agree with the number that are put into the box.

692. But in that way there would be those three persons who would know for whom the man voted?—Yes, but you cannot arrange it otherwise, as far as I can see.

693. With regard to personation, do you think that a man coming to the first room and saying, "I am John Snooks," he would then be sure to be known?—Yes, certainly.

694. Who would you have there to identify him?—You would have persons living in the various districts that would know who he was; you may divide the ballot district into different sub-districts

sub-districts if you like; there would be no difficulty in knowing the name.

695. How would you decide as to which compartment this man is to go into, would it be by taking the first letter of his name?—No, I find it is best to do it numerically; it is much easier.

696. Are you aware of the system which is in force now in Australia?—I have read about it.

697. Are you aware that in Australia a man comes into a room and is identified, and then a paper is given to him with the names of the candidates upon it and his number?—Yes.

698. He then goes into a second room and he strikes out on that paper the names of those for whom he does not intend to vote, and he puts the paper into an urn?—Yes; the only objection I have to that is this, there are a great many people in some constituencies who can neither read nor write, and if you put a piece of paper before them, and told them to strike out the names that they do not agree with, they would not know how to do it.

699. *Chairman.*] It is your opinion, is it not, that a system of ballot might be devised in which it would not be necessary for people to sign the paper?—Yes; if people were all educated you might give them those things, but unfortunately they are not so.

700. Mr. *Locke.*] You consider that the present system in municipal elections, of voting papers sent by the candidates and delivered by the voter when he votes, is objectionable?—I think it is objectionable.

701. In speaking about canvassing, you used the expression, did you not, that no systematic canvassing should be allowed?—The Right Honourable Member suggested just now to me, as to asking a man about voting at dinner. I should not call that systematic canvassing; but if you went round from house to house, I should call that systematic canvassing; that is the distinction; a systematic proceeding on the part of one person to solicit votes on behalf of another.

702. You also said, did you not, that no person should be permitted to canvass?—I would be glad, if that were the case, that no one were permitted; but I think it is impossible.

703. But still you proposed that a punishment should be inflicted upon a person who did canvass?—Who systematically canvassed without the consent and authority of the candidate himself.

704. Is "systematic" a legal term, or how would you define it; where would you draw the distinction between a man canvassing and systematically canvassing?—A legal definition is a very difficult thing, I admit. It is a very difficult thing to define first what canvassing is at all, and then what systematic canvassing is; because if I were to dine with you, and you were to ask me for a vote, that would be canvassing.

705. Suppose I gave a number of very large parties, and asked everybody, would you call that systematic canvassing?—No more than I should consider it canvassing if you spoke at a public meeting, and said, "I hope you will all come and vote for me."

706. If I held public meetings throughout the whole borough that would be systematic, would it not?—I do not think that would be systematic canvassing, because that would not be personal or individual—I mean a domiciliary canvass—a visiting from house to house; coming face to face with a man, and putting ugly questions to him sometimes, which might intimidate him.

707. I presume you would be decidedly opposed to paid canvassers?—I myself think that all paid canvassers are objectionable. Though I am a lawyer myself, I think the system is objectionable, and lawyers themselves admit it.

708. Did not you say that a person who was the recognised agent of the candidate, should be allowed to canvass?—Certainly he might. Supposing you were a candidate for a borough, and I were a friend of yours; I say, if I get your authority, after my application to canvass for you, then I have your authority, and then whatever I do you are compromised by; and so you ought to be. If you are to have the benefit of your friends' labour, you ought to bear the consequences if they act improperly.

709. Then you would consider that any other person who canvassed, and who had not the authority of the candidate to do so, should be punished?—Certainly, I think he ought. It places the candidate in this situation: he says, "I never canvassed with that person. I do not know that person; he is a volunteer, and he has compromised me." He would be very glad to take advantage of the compromise, if there was no petition; but when there is a petition, the agency is repudiated.

710. You stated, did you not, that no steps have ever been taken to punish bribery at the municipal elections in Windsor?—Not any.

711. Have there been any prosecutions for bribery at Parliamentary elections?—No; I wish there had.

712. When you speak of a public prosecutor, do you mean a public prosecutor specially for Windsor?—No.

713. What description of person do you suggest the public prosecutor to be?—The difficulty always is to get some one to take the initiative against crime, and to be the prosecutor; to hunt it out, so to speak. If it is no one's business, it is never done.

714. Do you mean that the public prosecutor should take the initiative?—Yes, if he had notice that there was a certain crime committed, he should take the initiative.

715. Would not the initiative be with the person who gave the notice; and would not that be the same thing as a man employing a solicitor or counsel?—A man does not like to involve himself in a prosecution of that kind. It is another question altogether, the benefit of a public prosecutor; but I think that a public prosecutor is more independent, and would be a very valuable officer.

716. In what way do you suppose that a public prosecutor would act?—I think, having notice of a crime, he would endeavour to detect it.

717. He would employ agents, would he, to detect crime?—He would set proper officers to work to detect crime.

718. And collect evidence?—Yes; he might employ the police if he liked, and if there were a theft, or a bribery, or a murder, I would put them all within his province.

719. Would he not be in the position of a clerk to the magistrates; for instance, when a charge has been made against anybody, and he is directed to prosecute?—But the present system fails in practice.

720. If a charge of bribery were made now, before the justices in the borough of Windsor, would not they at once direct a prosecution if they chose?—There is no doubt they might; but

Mr. *H. Darvill.*

9 April 1869.

that would depend upon how many were on the bench on each side, I strongly suspect.

721. You want an entirely independent person, with no politics, and no feelings of any sort either one side or the other?—Yes; in a jury box or anywhere else, you cannot prevent a man's political feelings operating upon his mind however just and honest he may be.

722. A man of that description, who is liable to be influenced by political motives, would be an inefficient public prosecutor, would he not?—Yes; it is a very difficult thing to get such a person.

723. Mr. *James.*] Had you a municipal contest this last election in November?—Yes.

724. Did you find as a fact, that the first time that the constituency at the municipal election were, more or less, identical with the Parliamentary constituency, more attention was paid to the municipal election by parties than before?—I am inclined to think that there was a good deal of bribery at the last municipal election in last November.

725. Either from what you saw then, or from what you anticipate, do you think that the municipal elections have now become more important as bearing upon the Parliamentary elections than they were before they were identical with the Parliamentary constituency?—Yes; I think this, that if it can be found that the municipal elections can be worked so as to affect by their operation covertly, the Parliamentary elections, the candidates for boroughs, or the sitting Members, will be finding money for the burgesses at the municipal contests.

726. Do you come to the conclusion that it is almost necessary that there should be some means devised of checking the municipal elections, so as to set aside an election which has been obtained by means of bribery?—I think it is very important that there should be some means of rectifying the present system by a public inquiry.

727. You spoke of persons locally, who are now intimidated by landlords, employers and so forth; do you find, at Windsor, that there is a class of tradesmen, men in a respectable position, who will not vote at all, or if they vote, give a negative vote, for fear of injuring their position with their customers?—Yes; there are no doubt many persons prevented from taking any part in politics, or giving any vote at all, in consequence of the injury that they anticipate.

728. The Right honourable Gentleman has asked you about the "no cure no pay" principle, that a person would say, "I will pay you a certain sum for your vote if I succeed"; does it occur to you, that if that were so, the person making the promise would have no guarantee that the vote would be given, and the person giving the vote, would have no guarantee that the promise would be fulfilled?—Precisely so; I suggested that before.

729. If that were done, and candidate A said, "I will give a 100 people 5*l.* a-piece if I succeed," what would prevent candidate B saying, "I will give 100 people 5*l.* a-piece if I succeed," and the men promising their votes to both?—Nothing.

730. You think that neither of the candidates would know whether those voters had voted at all?—No.

731. Do you think that such a system would be satisfactory, either to the voter or the person promising?—I think, that if a man finds that he has those invitations from both sides, he will promise his vote to both sides, and vote as he thinks fit.

732. It may be, that the candidate may make a promise of 5*l.* a-piece to 100 people and he may succeed, and yet none of those 100 may vote for him?—Yes, that is quite possible.

733. So that if the Member fulfilled his promise, he might pay 500*l.* to those who never voted for him?—The system of deferred payments for votes is a very unsatisfactory one. Both sides might go to the same men, and the men might agree to take 5*l.* or 10*l.* a-piece from both candidates, and then they would vote exactly as they pleased, because in that case they must get the money either way.

734. Mr. *Hunt.*] What I put to you was this, not that you should arrange with the voters that they should vote for you and receive 5*l.* a-piece, but you might arrange with the voters, that if you were returned utterly irrespective of how they voted, they should have 5*l.* or 10*l.*, not that the money was given as a consideration for their voting, but simply that a certain sum of money might be divided amongst a certain number of voters, if you, as a candidate, were returned?—Just so; but supposing there were two candidates for one place, and supposing both made a bargain with a man, "I will give you 5*l.* if I am returned," the man does not know how the poll stands or will stand, but he knows that if he makes a bargain with both sides, and votes just as he pleases, he must get the money from one or the other.

735. Mr. *James.*] He bargains with both candidates, under the idea that one of them must pay?—Yes, in that case it would be so.

736. What better position would the candidates be in if both of them made such promise, than if either of them made the promise?—They would be in exactly the same position if both promised.

737. If such promise were made it would have to be made systematically, would it not, so as to be of any use?—Yes, it must be an organised system of corruption.

738. The only guarantee that the voter would have that the promise would be fulfilled would be the respectability of the person making the promise?—A man may be a very respectable man in the ordinary sense of respectability, and yet his mind may have a kind of political twist as to what is morality with reference to elections.

739. Do you think you would find a person of a sufficiently responsible position, and known to the voters, upon whose promise the voters would rely if he went round and made a systematic promise of that kind?—No, there is the weakness of the whole proposition. If a man is to take a guarantee from anybody, he likes to know who the guarantor is. If a man is a man of respectability and a man of character, and a man of wealth, he will not enter into such a transaction, and if he is not a man of that kind the voter will not take his promise.

740. Is it not your experience that a good deal of bribery is done by means of strangers?—Yes; for instance, as we heard, by a man called the man in the moon; if the payment was deferred, you must know your man.

741. You think that the ballot would stop that kind of bribery?—Yes, certainly.

742. Mr. *Villiers.*] With regard to the men who made such promises if we had the ballot, they

they would be liable to be punished by law?—Undoubtedly.

743. Mr. *Raikes.*] You admitted, did you not, the proposition that there might be some increase in personation, even under a system of secret voting, though not to any great extent?—There is under every system of voting just the possibility of personation; there is now, and there would be then; that is to say, a man might poll who had not a right to poll; but that is inherent in every system.

744. But do not you think it is likely that they would be rather more encouraged to commit the offence of personation, if they were confident that there would be no subsequent scrutiny, and no probability of their being detected?—I do not think they would; I do not believe there would be a bit more personation than at present. The difficulty about the matter would be that if you gave a man so much money to go and personate another, he might vote against you, and you cannot be certain of any benefit from running the risk of personation.

745. I presume it is not likely that all the men in a very large constituency would be known?—But the constituency do not all poll at one place; if they are a large number they poll at the particular place where the constituents live, and they are known in that locality.

746. Have you turned your attention at all to any means of preventing personation?—I am aware that some persons have a prejudice against the ballot; and as I have told the Committee, I have formed my opinion recently; but I do not believe that there would be a bit more personation under the ballot than under the present system.

747. Do not you think it would afford some guarantee against the increase of personation, if some means were found under secret voting, of polling the whole constituency and requiring every elector to vote?—I have not considered that subject; I do not see how you could compel men to do a thing of that kind; I am not able to arrive at a conclusion upon an abstract proposition of that description; I have not thought over the effect of the whole constituency being compelled to vote.

748. You do not then regard the franchise as a public duty, like the liability of a man to serve upon juries or anything of that sort?—I do not look at it in the same light; I think that a man has an option either to vote or not to vote, because it is quite possible that no person might represent as a candidate his particular political opinions, and then why should he vote? He must be voting for somebody that he does not agree with; if he does not agree with either, you compel him to vote contrary to his convictions. Therefore, I do not think that you have a right to compel a man to vote under all circumstances.

749. Mr. *Edward Egerton.*] I think you told us that 35 years ago the borough of Windsor was perfectly pure; at that time the Municipal Act was not in force; there were no municipal elections, in fact?—No, it was a corporation self elected; a close corporation; but I may say that after the Municipal Corporation Act came into operation the elections were equally pure.

750. Can you tell me the exact period when Parliamentary corruption and municipal corruption began at Windsor?—If I had Acland's book I could tell; but I cannot without.

751. You have been a resident in Windsor all your life, have you not?—For 35 years; but I forget the date when the system of giving presents began.

752. Can you tell me within a short time the date of the first municipal election when there was corruption?—I could not tell you.

753. Was it within five years of the Act passing?—I believe that Windsor was very pure until it was corrupted by the system which I refer to.

754. Was the system of corruption introduced for the purpose of one political party getting the predominance?—Certainly; I do not hesitate to say that I trace the whole political demoralisation, if it be so in our borough, entirely to that system affecting the virtue of the constituency.

755. I thought you told us also, that the opinions of the electors of the borough of Windsor were all one way?—No, I did not say all one way; I said that they preponderated in one direction.

756. Have you taken much part yourself in those municipal elections?—No; I have not voted for I should think 15 years in a municipal election.

757. Is that the case with many of the respectable inhabitants of Windsor; have they equally abstained?—Many of them have; I do not think it would be proper for me to vote.

758. Have many of the respetable inhabitants of Windsor abstained from voting?—Yes; some of them take no interest in it.

759. Is that from a feeling of disgust at the corruption?—Not at all; they do not care about the municipal election; there is no great principle involved in it; it is only whether A. B. or C. D. shall be in the town council.

760. It is a matter of notoriety in the borough, is it not, that there is this corruption going on?—It is a matter of notoriety among those who are personally interested, and who go and inquire into it.

761. Is it a matter of notoriety to the principal inhabitants of the town?—I do not think so.

762. How many election petitions have there been from the borough of Windsor of late years?—There was a petition from Sir John Ellis against Sir John De Beauvoir a good many years ago; there was an election petition by Mr. Sampson Ricardo against Lord Charles Wellesley; there was an election petition against Messrs. Hoare and Labouchere; and there was an election petition against Mr. Eykyn, the other day. I do not know of more than those.

763. I suppose the existence of this corruption was pretty well known to all the inhabitants, from the repetition of those petitions?—No; I do not think so at all.

764. There was some evidence of corruption in the borough, was there not?—There was never any evidence brought before a Committee of municipal corruption whatever.

765. But of Parliamentary corruption there has been?—It has been alleged, but it has never been proved against the constituency to have taken place.

766. Have any candidates been unseated?—No, except in the case of Labouchere and Hoare; but it did not arise in that way; that was upon a bye point.

767. How many election petitions have there been from the town of Windsor during your knowledge?—Four.

768. Have there been any steps taken by any of the respectable inhabitants of the town to put an end to what certainly was a slur upon the purity

Mr. *H. Darvill.*

9 April 1869.

purity of the borough of Windsor?—No, there has never been any particular step taken, except one, which may be said to be the only strong step that I have known taken, and that was taken recently, when Mr. Richardson Gardner petitioned against the return of Mr. Eykyn; there was a petition got up by the Liberal party in Windsor, signed by, I believe, 500 or 600 Liberal electors, to ask for an inquiry before a Committee of the House of Commons into the last election, because of the corruption that had been practised by Mr. Gardner; but at the time when the judge had given his decision in favour of Mr. Eykyn, it was thought that they did not want to have any more fuss about it, and the thing was not prosecuted. That is the only instance that I know in which they really have taken any steps in the matter. I may say that I was strongly in favour in that case of prosecuting the whole thing myself, and offered to pay the money to do it with.

769. I think you told us that your opinions with reference to the ballot had recently changed?—Yes.

770. What was the principal reason for that change?—It arises from this: A man's mind must be thoroughly informed upon all the consequences of given acts, and I have thought over the matter and looked at all those consequences, and I find that people are injured in the expression of their political opinions; are coerced by their masters, are discharged by their masters, and are turned out of their premises, and if they are not intimidated they are attempted to be corrupted, and in many cases are corrupted; and I have come to the conclusion that the only way in which that can possibly be stopped is by having secret voting.

771. When did you arrive at that change of opinion?—I have been gradually coming to that opinion: in fact I have been desirous of not coming to that opinion, struggling against my own feelings.

772. Was it long before the appointment of this Committee?—Long before the appointment of this Committee I have been struggling with it; and I am convinced honestly that it is the only way; I would much rather have open voting if people could be free from those influences, but they are not, and no one can say they are.

773. You made use of the expressions just now, that all returns of election expenses were a farce?—I think they are.

774. Will you kindly tell the Committee upon what evidence you state that?—I do not hesitate to say that in all election returns, I believe, first, that the amounts paid are not sent in, and secondly that a large number of accounts are kept in suspense, and are afterwards discharged, and are never returned at all.

775. Have you ever acted as election agent?—Never, I think, in my life; I may have acted as agent for election expenses so many years ago, but I do not recollect it; I have not been engaged in any election matter for many years; I am quite sure of the point of the returns being as I say.

776. Are you sure of it from personal knowledge?—Yes, from personal knowledge; I am satisfied that the only way in which you can get those returns correct is by making the agents and candidates swear to their correctness, and that they embrace all claims and liabilities. The agent will take care not to give the candidate too much knowledge.

777. Have you any means of knowing what proportion of voters in Windsor can neither read nor write?—No, I have no means of knowing that.

778. Do you think that there are many voters who can neither read nor write?—I know there are many who can neither read nor write, because they are obliged to make their marks in the municipal elections.

779. Do I rightly understand you to say that is one of your objections to voting papers?—Yes; they do not know what they sign.

780. And there is the facility which their ignorance affords to anybody else to tamper with the voting paper?—Yes, they do not know what they put their cross to.

781. Sir *Michael Hicks Beach.*] You were speaking of the ballot as a check to intimidation and to bribery as well: there is this difference, is there not, between intimidation and bribery, that the voter would dislike being intimidated, but he may very possibly like to be bribed?—It is possible that a man might have that feeling in his mind.

782. You admitted, I think, that persons in a higher position than an ordinary voter, such as agents who are nominally unauthorised, are willing to trust the candidate for payment after the election?—I think they are.

783. And I suppose they are persons who are more likely to have strong political feelings than the lower classes of voters would be?—I do not know that. I believe many men act as electioneering agents in absolute contradiction to their political opinions as agents; in fact I have known them do so.

784. You say that they are bribed, in fact, to act as agents?—No; they are solicitors who receive so much money, and they do their duty for it.

785. But at any rate they are men of better education, and of higher position, than an ordinary voter?—Yes, undoubtedly.

786. And therefore, men likely to have political opinions?—Yes, certainly; but their political opinions they would disregard in the agency.

787. There are a good many in Windsor, are there not, among the ordinary voters who have no real political opinions at all?—I should think there were some.

788. They are men, perhaps, who would not take the trouble to vote?—Yes. I always calculate that 10 per cent. will not vote in any constituency, and 20 per cent. in a county; that would be as nearly as possible the number. That would be so in the case of a moderate-sized borough; and in very large boroughs you may take the proportion as much larger.

789. Do such persons look upon an election as a means of obtaining money?—No, I think it is indifference.

790. You spoke, did you not, of 100 people who were known as being open to bribes?—I think that there are that number who would be open to corrupt influence.

791. But the sort of view that they would have of an election, would be as a means of obtaining money?—I suppose that they would like to have money.

792. Supposing it was possible by the ballot to prevent their obtaining money beforehand, I mean that the candidate not having any certainty of their vote, would not be inclined to pay them beforehand; do not you think that those men would

would sooner trust the candidate than not have any promise of money at all?—I think they would go to both sides, and make the same investment.

793. How could they go to both sides?—They would give a promise to vote for both, and vote as they pleased, and inasmuch as the one side must get in, they would receive the money from one side; whereas if they were to go to one side only they might lose their money. If a man is a person who will take a bribe he will take a bribe from both parties, and he will vote as he pleases, and then the account is balanced as to conscience.

794. Supposing the agent of a candidate endeavours to bribe a gang of voters instead of the voters separately, there would be a gang-master, as the Right honourable Member put it?—Yes, I never heard of those things, but I can understand their existence.

795. Do not you think that the gang-master would wish to get the best price he could from both sides?—I think it is very likely he would.

796. Supposing an agent of one candidate had gone to him, and said "I am ready to pay you at the rate of 5 *l.* a vote, if my man gets in"; what do you think he would do?—If he were a shrewd man, he would say, "I will make a good bargain: I will get 5 *l.* from each side, and vote as I please." I heard a case the other day of two men who were sent down, one on each side to bribe a particular borough, and who met at a hotel. One said, "What did you come down for"? "Oh, I came down to transact some business about the election." "How much have you got to spend"? "So much; how much have you got"? "So much." "Then let us divide it, and put it in our pockets," and they did so; they went away, and never bribed anybody. That I believe to be true, and I know the parties' names.

797. Supposing the agents who conferred with those gang-masters were men that could be trusted?—I do not know who is to be trusted in electioneering.

798. I suppose those men are sometimes trusted, are they not?—Yes, they are; and they very often betray their trust; a man will take a bribe, and will sell the person who bribes him.

799. The gang-master would naturally be anxious, would he not, to get the highest bid he could?—Certainly he would be anxious to get as much as he could; but you see there is an uncertainty about the speculation, because if he is only to be paid after the election, this candidate may not get in; but if he makes a bargain with both sides, one must get in, and he is sure to be paid; and, inasmuch, as neither of them know which way he voted, he would say, "I made a capital bargain there." He has made a bargain with both, and therefore he is quite safe.

800. The one whose bargain he will accept is the one who offers the highest, because he will get most out of it?—I daresay he would get about an equal sum from each side, otherwise, he would not make a good book; it is like betting upon a horse.

801. Is it not his interest to bid one against the other?—His interest is to have both the bids equal; then he must win under any circumstances.

802. Is it not his interest to go from one to the other, and say, "This man has offered so much; you must offer so much more"?—Yes; he would get a second offer; and then he would say, "I am quite right, I must win; now I will do as I like."

803. Do you think that a man who is in the position of a political prostitute, as you suggest, would care what he did?—I think this; the most that he could possibly make would be the highest sum that he could extract from both, and an equal sum, because he must get it then. Besides, he is not at all sure that he will get it from the one who will have won. There is never a certainty about those things by persons of that description. I should say that they would rather feel disposed, under the circumstances of that kind, to take a promise from each, and vote for the richest, because a man would think there was more chance of being paid.

804. Therefore the one at any rate would have that preference over the other?—Yes, generally speaking, that would be so, I think.

805. Mr. *Whitbread.*] The long and short of it is, that this gang-master must be a respectable person who can be believed, he must be known, and he must be able to be got at; because, if he is not a known respectable man, he would not be trusted?—That is so. People would not trust a deferred payment to anybody that was not worth money, because they would give the vote, and the man would have the vote, but they would not get the money.

806. You stated that you had no hesitation in saying that in all the elections a large portion of the expenses were not returned?—When I say "all," of course, I say that in a modified sense. In many cases the returns are so small that there is nothing to conceal; but what I mean to say is this; that where in a constituency there have been any corrupt practices, or there have been any illegitimate expenses incurred, those expenses do not appear; I do not mean to say that there are not a great many Members returned to Parliament who have the strictest returns made. I only refer to cases where there is anything corrupt.

807. Questions have been asked you, with a view of showing that a system of secret voting would lead to an increase in lying and false promising, and so on; I ask you whether, upon the strictest canvass at present in a moderate sized borough, it is not true that there are a very large number of men who always decline to promise, and never do promise, and who give their votes without promising?—I think that, at the last election for the borough of Windsor, there were 1,777 electors; take 10 per cent. off, that is about 170, that would leave about 1,530, or thereabouts. Mr. Eykyn told me from his book that he had 917 promises, and I believe the other candidate said that he had a larger number of promises, and must win; but the result was, that Mr. Eykyn, instead of winning by 200 majority, won by a majority of 8 or 10. I cannot account for that, except upon the principle that they were bribed; there are 10 per cent. who did not vote at all, and there are a few persons who wait till the last, and they are the persons who wish to have bribes; and they give, I believe, very strong intimations of what they want.

808. Have you ever been actively engaged in canvassing yourself?—Not for many years. I have been in former years, but not for many years.

809. Assuming that there are men who do not promise now, do not you think that if the law

Mr. *H. Darvill.* 9 April 1869.

were to shelter a man from the necessity of giving an open vote, public opinion would very soon run very counter to the practice of pressing him to give a promise if the law did not oblige him to give an open vote afterwards?—Public opinion is very erratic sometimes. I cannot say it would be.

810. Mr. *W. H. Smith.*] You stated, did you not, that there were some 50 or 60 persons who are known to be bribed with regard to the municipal elections, and 100 whose names you could put down upon paper who are bribed systematically at the Parliamentary elections at Windsor?—A part of the 60 would be embraced in the others, and I should have a strong suspicion of those being the parties.

811. You also stated, did you not, that there would be no difficulty in procuring evidence to show that those people had been bribed?—I think there would be no difficulty in showing that.

812. If the fact is so well known in Windsor, how does it come to pass that no attempt has been made to punish those parties for bribery, your attention having been drawn to the fact that the municipal electors who are bribed are disqualified, and may be punished in other ways?—I cannot say; I can only tell you this, that I offered to find all the money, 1,500 *l.* to prosecute for bribery at the last election, but it was not done; we sincerely wished to put an end to it.

813. What were the difficulties in the way?—There were no difficulties in the way whatever, except simply going before this House, and having a Special Commission. There were questions as to whom it should fall upon, and so on; but I say, so far as the parties in Windsor are concerned, they are desirous of having an end put to the corruption.

814. The consent of the parties is not necessary; it is open to any one individual to institute a prosecution with reference to the municipal election?—Yes, I believe it is so.

815. That being so, how is it that no one person on either side, disgusted with the existence of the present state of things, has taken such a step; have you expressed a very strong opinion upon it?—I have; I never interfere in the municipal affairs at all, but in Parliamentary matters, I express my opinion always, and vote. As to the reasons why persons do not take hostile steps against their neighbours, I can only say this, that after a municipal election, and the battle is fought, the people are all very friendly together, and forget it all in about a week; and if a person were to disturb the peace of the town by entering into litigation, I think he would be unpopular.

816. Then the unpopularity has prevented the setting on foot of a prosecution of this kind?—It is not the unpopularity merely; it would be an ill-natured thing, and a keeping hot blood still running in their veins, and ill-feeling, and there would be an objection to it on that ground. I assure you that it is a fact that whenever a person petitions against the return of another in any borough, you may rely upon it that the sympathy is always in favour of the person who is petitioned against.

817. Mr. *Stanley Hill.*] I think you said that part of your objection to putting in force the provision of the 22nd of Victoria would be the matter of having a jury?—Yes, I think myself that in all questions that turn upon politics you cannot exclude political feeling in the jury box.

818. Would that be your reason for handing it over to a different county-court judge?—I say that I would have a public inquiry where the witnesses might be brought up as before a judge of assize.

819. Have you thought, with regard to this Act, that the jury is one of the difficulties?—I do not think that an honourable man brought up to the bar would have his judgment warped, as might be the case with a jury.

820. Do you think that the fact of there being a jury is one of the difficulties in the way of putting this Act into operation?—Yes; I do not think that there would ever be a conviction.

821. Has it ever occurred to you that the penalty being only 40 *s.*, a jury could not be demanded?—No; I am speaking of an indictment.

822. My question had reference to the 22nd of Victoria?—I beg your pardon; by that Act it is only 40 *s.* to be recovered in the county court.

823. So that no jury could be demanded?—No; you might have a jury.

824. Only if the judge consents?—No; anybody can ask for a jury.

825. Is that your reading of the County Court Act for any matter under 5 *l.*?—No; you are quite right; you cannot under 5 *l.*

826. Mr. *Leatham.*] Would there be any danger of personation under the ballot, if the number of polling booths were so greatly increased that every voter would be personally known to the person who had the register before him?—Of course the means of detection would be multiplied.

827. We have heard a great deal about the immorality of lieing and promise-breaking in relation to voting; do you think it would be more immoral to promise to vote against your conscience and afterwards to break your immoral promise by voting as your conscience dictates, or to promise to vote against your conscience and then to carry out your immoral promise?—That is a question of morals; I should scarcely like to give an opinion about that matter; I might be thought to be Jesuitical.

828. You spoke of the worst cases of bribery being the cases of those who lye-by to the last, that is what is called the half-past three o'clock bribery?—Yes.

829. There would be nothing of that kind under the ballot?—No; no one would know the position of the poll under the ballot; there would be nothing of that kind of bribery, and that is one of the great advantages of the ballot; no one would know who was ahead, and therefore they would not resort to that bribery which takes place generally between two and four o'clock.

830. Mr. *Bright.*] Judging from your evidence you have not assumed that the ballot would cure everything?—No, there is no panacea that will do that.

831. The Right honourable Member asked you some questions with regard to the want of truthfulness, that might exist under the ballot; you admitted to some extent, did you not, that that was possible?—Yes, I think it is possible.

832. If a man under the compulsion of intimidation votes contrary to his opinions does not he in a sense act a lie, that is to say, he gives a vote for one side, and believes in, and wishes that the other side should win, and do you not consider that to be an act also of practical immorality?—I should say that it is a moral falsehood, certainly;

certainly; I think it is an immoral act, contrary to his convictions and his conscience.

833. Looking at it simply as a question of morals, perhaps you would hold the opinion that the question was balanced; that as much might be said against open voting as against secret voting in that particular?—It is in a state of equilibrium; the evils are equal.

834. You have been asked questions about the system of voting by gangs or tallies, a number of persons binding themselves together to do a sort of trade transaction at an election; is not that a transaction that may be accomplished under the present system?—It is.

835. Probably you know cases of that sort?—I know cases of it; I know a borough which a friend of mine went to, and I went with him myself, and I found that there were 800 freemen in the borough, and that they stood up 100 at a time, and at a certain stage they were to have 5 *l.* each, but the next batch of 100 required so much more; I know that as a positive fact. There were only 400 men to be relied upon, and I said to my friend "Do not you touch that borough at all."

836. Whatever truth there is in the statement that such a system as that might be worked in small constituencies under the ballot, do you consider that it could be worse under the ballot than it is under the present open system; are not both systems liable to a transaction of that character?—Yes; but I do not think that under the ballot it is so liable, because there is not the same certainty.

837. Is it not a transaction also, that is much more easily accomplished in a small borough, whether by open or by secret voting, than in a large constituency?—No doubt about it, the larger the constituency the less liability to bribe; because when the two or three parties have canvassed the borough, they know exactly the men that are keeping aloof, and both parties know that those are the men with whom bribery takes place. No man goes in and bribes at an election if he has a very large majority upon his canvassing book; he would say, "Why should I bribe; I can get in, and I must get in." It is where it is so evenly balanced that they want to get the majority which is to be bought.

838. With regard to the question of personation, I understand that in your plan, and in fact, probably in every plan, the elector or the man who professes to be the elector comes before the returning officer and the proper authorities, and gives his name, and a reference is made to the register, and some attempt is made to discover whether he be the voter or not?—Yes, and he would be impeached at that point.

839. Is not the identification as complete under any system of ballot, as under the system of open voting?—The same.

840. Therefore, if I understand you, there is no disadvantage as regards the voting by ballot in particular?—It is the same; if a man comes up now, he says, "I am So-and-so," and he polls; but another man may come and say, "I am so and so," and poll; I know that at the last election for the borough of Windsor, there was a case of personation.

841. A Right honourable Member asked you some questions about public discussion, and whether we have not a good deal of public discussion in this country; you are probably aware that the ballot exists in a great many countries; in fact, in almost all countries but England?—Almost all.

842. Are you aware that in one form it exists generally in the United States?—I am aware that there is a form of ballot there.

843. You are aware probably, that it exists in another form in Australia?—I am aware that it does.

844. Are you aware that in Australia there is no public discussion upon public questions?—Quite the contrary, there is discussion upon almost every subject.

845. Has anybody ever suspected that in Australia they were less free to discuss public questions than they are here?—No; the vote by ballot I think would increase public discussion; for I think that candidates would be anxious to impress the minds of the people with the justice of their claims to their support, and they would have therefore more meetings, because they would know that men could exercise their franchise according to the dictates of their conscience, and they would constantly appeal to their conscience; and those who could make the strongest impression would get the votes; you would have more public meetings I think.

846. Have you found in your election experience that there are two kinds of influence; one which you would call legitimate and moral, and the other illegitimate and immoral?—Yes, I am aware that there are two kinds.

847. Which of those two would be most entirely suppressed or affected by the establishment of the secret voting?—My impression is, that moral persuasion would exist under the vote by ballot, and that intimidation and corruption would be diminished, if not altogether destroyed by the ballot.

848. The influence of character and of example and of friendly commerce, and of neighbourly feeling; all that influence would remain, would it not, by the ballot, just as it does now, and just as strongly?—The ballot would not alter human nature.

849. It would not alter those feelings?—Certainly not.

850. Mr. *Villiers.*] They would have their full weight?—Yes, certainly they would, as it would only set human nature freer.

851. Mr. *Bright.*] You have spoken of getting rid of canvassing, has it ever occurred to you that canvassing might possibly assume a very different character with the ballot from what it has with open voting; have you ever gone round with half-a-dozen gentlemen to canvass in your life?—I have, and a most disagreeable office it is.

852. Do you know the kind of thing which they say to the voter, and the kind of influence they try to bring to bear upon him?—Yes, I know it perfectly; but the influences that are brought to bear upon the voters are these. When persons go round canvassing, of course the candidate is very agreeable, and he puts his points thoroughly before the voter, and he secures the vote; but when they come to a man who is under influences, who is under their thumb so to speak, the style is not that of persuasion; it alters its tone; "You must vote for so and so, because you are under an obligation to me." It is no longer persuasive; it is mandatory.

853. Mr. *Hunt.*] Have you witnessed that in canvassing yourself?—I have, more than once, unfortunately; a great many times I have seen it done. When a committee is set up, they al-

Mr. *H. Darvill.* 9 April 1869.

ways meet together at night, and they put down opposite to each man what he is. "This man is a carpenter, and works for So-and-so." "If anybody knows So-and-so, tell him to go to that man directly, and see him." "Who is this man?" "He is coachman to Mr. So-and-so." "Write a letter to Mr. So-and-o, and tell him to canvass his coachman at once." They get by that means at each man, and it is a system of putting on the screw.

854. Mr. *Bright.*] If the ballot were established by Parliament, would not two things happen; one that the elector would feel himself absolutely free; and the other that the man accustomed to coerce would know that he was absolutely free?—Yes; a man would feel that he was free, and would be free, and the other man would know that he was free, and that is enough.

855. Do not you think that that would make a good deal of difference in their positions?—Yes; because if a man who was a potent person were to go to a voter and bully him, that is to say dictate to him how he was to give his vote, he would affront him, he would vote against him; and a person would be very chary how he did that. Therefore I think it would have the effect of protecting the voter in that way.

856. Have you any expectation that with the ballot there would arise amongst all those who have a vote a greater value for the privileges or right which they possess, and amongst those who have been accustomed to somewhat domineer or influence, a greater respect for the rights which they could no longer infringe?—I think that a freeman is always better than a slave.

857. In your borough do you think opinion has recently in a stronger form or volume been taking the course that your own opinion has taken on this question?—I can say that there has been a very gradual but forcible movement in favor of the ballot for some years past, and now I think it has come to a thorough climax.

858. What do you think about the opposite party, because you are not all of one opinion in Windsor; you have I presume the Conservative or Tory party, do you think that even amongst the respectable (and when I say respectable I mean the moral and thoughtful) men of that party, there is a greater disposition to consider this question fairly?—Some of my Conservative friends in Windsor have actually told me that they would be glad of the ballot, and I have heard some of the most respectable Conservatives say that they would be glad of the ballot.

859. And looking at the number of election petitions that you have had in Windsor within the last 20 years, is it your decided opinion that with the ballot you could look forward to 20 years in the future as a much more creditable period in the politics of your borough?—I believe myself that its virtue would be in a great measure restored.

860. Mr. *Cross.*] Do you believe that secret voting is possible, that is to say, if you have the ballot under any form you like, that you can keep it secret?—That is entirely at the discretion of the voter.

861. Do you believe that it is possible?—I think it is perfectly possible, I am sure it is; if a man is under great pressure, he can always keep his tongue quiet, and vote as he pleases.

862. Do not you believe, that if we had the ballot, the form of bribery would be changed, that is to say, if a person wanted to get in, though there were the ballot, he would say, "I will give so much, provided I win, to be divided among you, but if I lose, I will give nothing"?—Of course, that is the only way in which a man could proceed; but as I have said before, it is a game that two may play at, and therefore it becomes an equilibrium with a certainty to the voter, and therefore he will vote as he thinks fit.

863. I conclude you are acquainted with the large manufacturing populations to a certain extent?—I know some of them.

864. You must know perfectly well, that all the men employed in any particular manufactory are in the habit of talking together about all the subjects of the day, and everybody's political opinion is perfectly well known?—I dare say in factories, that is very much the case; but we see by the papers, that intimidation has been practised in certain manufacturing towns; and I think that if persons knew that they were to be injured by it, they would be more cautious in the expression of their political opinions; they would say, "I shall vote all right."

865. I am speaking generally of political questions throughout the year; when there is no election at all, men are in the habit of talking together, and every person's opinion upon all subjects, is thoroughly well known in his own works?—Yes, I think it is very likely, that at certain works, where the people are all agreed, they would express their opinions; but supposing they expressed opinions contrary to the wish of the master or the capitalist, and a man suffered the injustice of being turned out of the factory, I think that a man would be very cautious how he expressed his opinions, if he was likely to lose his work, if work was scarce.

866. I am not speaking of the times of election, but when all the elections are over, people get talking together, and everybody knows the opinions of his neighbours?—But then there are reticent workmen, I should fancy.

867. Therefore if a great employer of labour, using the means that you have just pointed out by the force of intimidation, induces a man to give his vote contrary to his conscience, that is perfectly well known among his fellow workmen, and he is twitted accordingly, if he is intimidated, and gives his vote contrary to his known and expressed opinion?—It would be known to his fellow workmen, no doubt.

868. And he would consequently be twitted with it?—I dare say he would; as I understand, the Honourable Member means, without the ballot; they would say, "You were obliged to do it," and he would say, "Yes, I have got a large family; I am sorry to say I was."

869. Do not you think that the fact of having given an open vote, is really a very great protection to the voter?—I think that it removes all protection.

879. Not protection against the man who intimidates him, but the feeling that it would be known that he had voted against his opinion, is a very great reason why the man would not vote in favour of his employer against his own will; he would rather be a martyr in that way, than lose his character among his companions?—Political martyrdom is a very uncommon thing; I mean to say, that a man does not wish to expose himself to those consequences, if he can avoid it; he would rather that he should have the protection of the ballot.

871. Do not you think that the fact of such a man's fellow workmen knowing perfectly well his political

political opinions, and seeing that he voted directly contrary to them, would restrain him from so voting, because he would know that all his friends would twitt him about it afterwards, and that he would be called a turn-coat and all sorts of names, and turned out of their society?—If the men were right minded it would create just the opposite feeling, it would create a feeling of sympathy that the man was intimidated, instead of creating a laugh at his expense; they would say, "We are very sorry that you were obliged to go against your conscience."

872. At all events if that is a protection, the ballot would do away with that?—Yes; certainly.

873. Sir *Frederick Heygate.*] You stated, did you not, that you have witnessed this bullying mandatory conduct in canvassing?—I have seen it many times.

874. Have you witnessed it on more than one side?—I have known it on both sides.

875. Surely you have not been in the habit of canvassing on both sides?—No, but I have known it done; I do not think that either party is free from it; if a man has influence he will use it in political matters; I know that neither party is clean upon that point.

876. You say there is a residuum amongst the electors at Windsor of about 60, who are always in the habit of being bribed?—I fancy that they always are bribed, somehow or other.

877. Do you think that if they had the ballot they would not be bribed?—I do not know; it is very likely they have political opinions, indeed I have no doubt that they have political opinions, but their love of money or their necessities overwhelm their political opinions; if they could not get the money, I have no doubt that they would vote according to their convictions, if it was not known how they voted.

878. Do you think that that class of voters take any interest at all in the municipal elections?—Some of them are very active partisans; some men who are bribed wish to appear to be partisans for fear their virtue should be suspected, when they have no political partisanship in their hearts.

879. Can you state to the committee what the borough-rate at Windsor is in the pound?—I should think it is 2 *s.* in the pound.

880. Mr. *Villiers.*] Do the voters pay the rates themselves?—Yes, they do.

881. Mr. *Hunt.*] Have you any acquaintance with any country where the ballot is in force?—I have only been on the continent; I have never been to America.

882. You are not aware whether in those countries where the ballot is in use, the voting is kept secret or not?—I think in a new country the ballot is a farce, because it is not wanted.

883. Do you know whether in those countries where the ballot is in use, the voting is really kept secret?—I do not know, but my impression is that it might be.

884. I was asking you whether you knew that as a fact it was kept secret where the ballot was in use?—I think it is very likely in many cases that it may not be a well-devised system, and it is not kept secret, but it might be.

Mr. *H. Darvill.*

9 April 1869.

885. Mr. *Villiers.*] Did I understand you to say that it would be possible that personal canvassing would become very unpopular if the ballot was adopted?—I do not think that I made that observation.

886. Do you think that it would be so?—My impression is that people would rather be free from this domiciliary visiting and persecution, and being worried day after day by persons canvassing for their votes, and candidates would feel ashamed to do anything of the kind.

887. Would it not lead to its discontinuance if candidates knew that it would be offensive to voters?—I do not know; there is very great difficulty in seeing how you can get rid of personal canvassing.

888. *Chairman.*] We have been told that in some cases it happens that persons are nominated for municipal offices without their own consent, for the purpose of provoking a contest; have you ever known anything of that sort?—No; I should say it is a very rare occurrence.

889. It is possible, is it not, for any voter to nominate any other voter?—Yes, if qualified, they send the name into me, and I publish it, and if there are only a certain number nominated they are returned on a given day without any voting at all.

890. Have you never known a purely vexatious nomination?—I have never known an instance of a vexatious nomination.

891. Have you any opinion with regard to the opening or closing of public-houses on the polling days for municipal or borough elections?—My impression is, that all elections would be more quietly conducted, and there would be less turmoil and strife and less corruption, if public-houses were closed on the day of the election.

892. Do you think that that could be done?—Yes, but it would be very unpopular, in my opinion; but I have no doubt, as far as the election was concerned, it would be more peaceful, more orderly, more well-conducted, and there would be no treating; and I very much question whether there would be so much bribery.

893. Mr. *Bright.*] Do you mean that it would be unpopular with the publicans, or with the respectable population of the place?—It would be unpopular with the great mass of those men who like beer, and there are a great many of those men.

894. Mr. *Cross.*] With regard to the councillors being nominated for factious purposes, you say you have never known any case of that sort?—I never have known any.

895. Do you not know that the objection to voters being nominated against their consent arises from this, that anyone elected for the council must serve, except upon payment of a fine?—We never have had an instance of that; it would be rather otherwise; it would be done for purposes of annoyance; there are plenty of people always willing to come forward.

Mr. James Herbert, called in; and Examined.

896. *Chairman.*] Do you hold any office in the borough of Windsor?—I am a house agent, and receive rents for the corporation.

897. You do not hold any municipal office?—I only receive rents for the corporation.

Mr. *J. Herbert.*

898. Did you hear what was said by the town

Mr. *J. Herbert.*

9 April 1869.

clerk as to the number of voters who expect to be paid a certain sum for their vote?—I did.

899. Do you concur in what he said?—I should have mentioned a smaller number than he did.

900. What number would you say?—I should have thought about 35 or 40, not more, are open to corruption.

901. Do you mean Parliamentary or municipal voters?—Municipal voters.

902. Do you agree with what Mr. Darvill said, that they only expected the amount of a day's wages?—Working men in coming to vote frequently lose time, and if they are at work out of the town they call upon the candidates to pay their expenses for loss of time.

903. Do you think that in the case of those 30 or 40, their vote depends upon which side pays then the most, or do they vote with their party, and merely expect to be paid for their trouble?—They vote for their party.

904. You do not think that in Windsor there is any body, however small, a body of men whose votes depend upon the bribe which they receive?—I think there are a few.

905. Did you hear what was said by Mr. Darvill as to the purchase of cottage property for political purposes?—I did, and it is perfectly true.

906. Have you in your profession had any knowledge of those transactions?—Not in my profession, but I know of it as a public fact.

907. Mr. *Bright.*] What is the fact?—That a candidate purchased those houses for political purposes.

908. How many are there of them?—Ninety-six in one batch, and 33 in another batch.

909. Do they give borough votes?—They do.

910. *Chairman.*] Is it within your knowledge that the municipal elections have been worked for purposes connected with the Parliamentary elections?—Yes, speaking of the last municipal election only.

911. Do you mean to say that there was more corruption than usual at the last municipal election?—I believe so.

912. Was there any understanding that the vote for the borough election should go the same way as the vote for the municipal?—I can only give a general answer to that; I believe so, but I do not know it personally.

913. Mr. *Villiers.*] I suppose there are influences of all kinds exercised over the voters in Windsor?—Yes.

914. What sort of influences; you have given us one description of the way in which people buy cottages and threaten voters, or the persons that live in them; but what influences have you seen at work during the election; have customers gone to shopkeepers, and things of that sort?—I have seen treating; and masters hinting to a foreman or a better class workman that he wished the other workmen to vote in a particular manner, and if they did not vote according to his wishes, no doubt they would have been discharged.

915. That is the coarsest kind of influence; but there are other influences, I presume; for instance, in the chapels, do the ministers tell their flocks to vote in a particular way?—I never heard of it.

916. I suppose the Palace has some influence, has it not?—Yes, but I think they are allowed to vote as they like at the Castle.

917. Do you think that the influence in Windsor is chiefly treating and bribery?—I do.

918. Have you considered at all what would be the way of stopping it; and do you agree with Mr. Darvill, that the ballot is the best experiment now to make?—I do.

919. Have you lately come to that conclusion?—No; I have thought so for some time past.

920. How long have you known Windsor?—Nearly 40 years. I was born at Eton, which adjoins Windsor.

921. And you have observed those things at the elections?—I have.

922. And you have always been of opinion that the ballot would have been a means of preventing them, or mitigating them?—Since I have had any opinions upon political matters.

923. What is your opinion of its effect upon canvassing; do you think that people would go round to ask men to vote, if they did not know how they would vote?—Not so much as they do at present.

924. Do you think that the people would go to a tradesman and say that they would withdraw their custom, if they did not know how that person was to vote?—I do not think they would, as a rule, it would be of no use, of course.

925. Do you think that the feeling would grow up in a place, that it would be extremely offensive to do it, and people would injure their candidates, if they did it?—I do think so.

926. And you think it possible that that sort of thing would cease?—Yes; I believe it would.

927. And with regard to bribery, do you think it would be effective in that respect?—I think it would prevent it, certainly, in a measure; it is a very difficult thing to say that it would prevent it wholly.

928. But at least things would only be as bad as they are now, if it did not prevent them?—They are bad enough now, and any system would be better than the present.

929. Would you say that corruption was practised at both the municipal and the Parliamentary elections?—Yes, certainly.

930. You have not observed that things have got better in that respect lately?—No, certainly not.

931. You do not think that the fire would go out of itself?—No, I am quite sure it would not.

932. Do you agree with Mr. Darvill, that the time has come when something should be done to stop it?—I do.

933. It is a frightful scandal upon the place, is it not, that it should go on?—Yes; I think not only in Windsor, but other places as well, it is time it should be stopped.

934. Mr. *Hunt.*] Do not you think that public opinion is rather asserting itself now, more than it used to do, against undue influence upon voters?—I think public opinion has very much increased in favour of the ballot lately.

935. Is not it your opinion that there is a much stronger public opinion against the intimidation of voters, than there used to be?—Not much; I should think it is about the same, I do not know that there is any difference.

936. Do you know whether there is any intimidation at Windsor amongst the workmen between one another?—No, I think not.

937. It all comes from above, does it?—Yes, certainly.

938. Mr. *Villiers.*] Do not workmen influence their own tradesmen?—No.

939. Mr. *Locke.*] You have no large factories or things of that sort at Windsor, have you?—None.

940. What

940. What is the greatest number of men who are electors, who are in the employ of any person at Windsor?—Forty-five at one place, and 100 nearly at the castle.

941. Do those men all vote on the same side?—At the castle, no; they do at other places; a person goes round, and tells them that a certain candidate is to be supported, but if we had the ballot a great many of those men would vote in a different way.

942. They do not resist it, do they?—Yes, a few do, but were afraid, if they voted against their master, they would lose their situation; I have heard them say so at this last election.

943. Do you think that the ballot, at all events for those men, is absolutely necessary?—I do.

Mr. *J. Herbert.*

9 April 1869.

944. Mr. *Staveley Hill.*] Do I rightly understand you to say that, in your opinion, the ballot has now become absolutely necessary at Windsor?—Yes, I think so, and at other places as well.

945. You think it is utterly impossible to have a pure election at Windsor at present?—I can only speak so far as our own side was concerned; it was pure on our side.

946. You think that, without the ballot the pure side won?—Yes, certainly; but with it the Liberals would always win at Windsor.

Mr. Frederick Woodthorpe, called in; and Examined.

947. *Chairman.*] Will you state to the Committee what office you hold?—The office of Town Clerk of the City of London.

948. The municipal elections in the City of London are not held under the same Act as in other boroughs, are they?—They are not.

949. Will you explain to the Committee what is the system in the City?—The system for the election of aldermen, common councilmen, and ward officers, is according to an Act of Parliament or rather several Acts of Parliament passed for the amendment of the Act of Parliament, the 11th of George the First. The first amendment to the 11th of George the First was passed in 1849, and the second amendment in 1867, both which Acts were promoted by the corporation themselves to improve, as they believed, and as Parliament subsequently sanctioned, the municipal elections for those offices.

950. Under those Acts, what is the actual system?—The system is that, from year to year a list of the voters in each ward is made out at a specific date; at present, the 3rd of December in each year; so as to agree, as far as possible, with the registration of voters for the election of Members of Parliament for the City of London; that registration coming into operation on the 1st of December, the municipal lists are made out on the 3rd.

951. How does the nomination take place?—At the wardmotes in each ward; at the wardmote held under the precept of the Lord Mayor.

952. Is it a public meeting?—Yes.

953. Consisting only of voters, or is it perfectly open?—There is no restriction; it is open to the inhabitants.

954. Is the nomination made by word of mouth, or in writing?—I believe by word of mouth; but the town clerk's office does not make him cognisant of the actual proceeding in that respect; each ward clerk arranges it, but we know of no nomination by writing; it is generally speaking, I believe, done by word of mouth.

955. In the same way as a Parliamentary nomination?—I believe precisely similar.

956. If there are more than one candidate what then takes place?—If there are more candidates than the number to be representatives for the particular ward, generally speaking a poll is demanded.

957. And how is that poll taken?—Under the terms of the Act of Parliament, to which I have referred, of 1867; it takes place on the following day.

Mr. *F. Woodthorpe.*

958. Is it by open poll, or is it by going in with voting papers?—An open poll.

959. Also in the same way as for a Parliamentary election?—Precisely the same, there being a list of voters as arranged and settled on the 3rd of December, so that any person coming up they refer to the book to show that he is on the list of voters as there stated, and no other list can be used.

960. Have you any knowledge whether those elections are conducted with purity or otherwise?—I speak not only personally from 33 years' experience, but traditionally from my father who held the same office, and I never heard of a case for the election of aldermen or common councilmen where bribery or intimidation was used.

961. Is that the general opinion?—That is the general opinion.

962. Mr. *Villiers.*] What is a liveryman; is he not a common councilman?—Not at all; the liverymen are members of the different livery companies of London, enrolled by the different companies.

963. But they vote by right of that privilege, do they not?—They vote by right of that privilege for some offices, but not for the offices I have named: that of alderman, common councillor, or ward officers.

964. They have a vote for Members of Parliament, have they not?—They have.

965. And can the companies increase their number to any extent?—Yes, I believe so; some of them are limited, and cannot exceed a particular number.

966. Do I understand you that that right is retained yet; have the liverymen still the right of voting for Members of Parliament; and have the companies still the right of increasing their number without any limit?—The livery companies have still the right of voting for Members of Parliament, and there are some companies, and only a few, I believe, that are limited in the number of their liverymen.

967. *Chairman.*] Can you state what is the number of municipal electors within the City?—The Committee will pardon me; I have only received a very short notice desiring that I should be here, and therefore I have not been able to ascertain the actual number, having no returns in my

Mr. *F. Woodthorpe.*

9 April 1869.

my possession to show the number; but I think I can speak in round figures, that the municipal electors, in consequence of the increase of the franchise under those two Acts of Parliament, especially the later one, which does not require an elector to be a freeman of London as formerly was the case, have increased one-third, and therefore I speak within the mark when I say that they are 12,000.

968. Do you know what are the number of Parliamentary electors in the City?—No; of course there is a list and return, which I would have been prepared with; I should think the number of electors upon the Parliamentary list would be about 18,000, because there are the liveries and also the householders.

969. Are a large number of those 12,000 electors persons in poor circumstances, or are they generally well to do?—Well to do; none can be put upon the municipal register, unless they are rated to the amount of 10 *l.* to any rate, police, poor rate, or otherwise.

970. That is under a special Act of the City of London?—Yes, under a special Act.

971. Mr. *Villiers.*] Would you know if there was any corrupt practice resorted to in those elections?—I think I should know this: if an election were disputed, and a scrutiny therefore demanded upon such ground, it would come under the cognizance of the Court of Aldermen, and thereby I should be informed of it.

972. But there are contests for those offices, are there not?—Yes.

973. And sharp contests; it is a great object, is it not, with the candidates to obtain the election?—I believe, generally speaking, they desire very much to be elected.

974. And canvassing takes place for the purpose?—I suppose it does; but I am not cognizant of it personally as town clerk.

975. Are you not really acquainted with the practices upon those occasions?—Only generally, that they do canvass.

976. I suppose the same thing takes place as in all other canvasses at popular elections; there is some intimidation and some inducement held out to the voters to choose one man instead of another?—I am not aware of anything of the kind.

977. But you are not aware of the contrary, perhaps?—I am not aware of the contrary, certainly.

978. With respect to proceedings at Parliamentary elections, have you any particular means of knowledge?—Not particularly; they do not at all come under the cognizance of the municipal authorities, except that the sheriff is the returning officer.

979. Mr. *Hunt.*] Do you know whether there has been any bribery at Parliamentary elections for the City?—I have not any knowledge.

980. Have you any means of knowing?—Not any officially.

981. Have you ever heard that there has?—No, I cannot say that I have heard of bribery to any extent, but of that, as I say, I am not cognizant, the electors principally being of the livery of whom strictly the municipal authorities have no cognizance.

982. Do you know whether amongst those who take part in municipal elections in the City, there is any feeling about the ballot, for or against?—I am not aware that it has ever been mooted; it may have been at some few wardmotes, but I am not cognizant of it.

983. Have you any opinion about it yourself?—Yes, I have a strong opinion against the ballot.

984. On what ground?—Because I think, if a man has got a vote, he should use it openly.

985. Do you think that, if the ballot were established, you would get rid of the evils of undue influence and of pecuniary corruption?—I do not think it would at all affect the City of London.

986. But, generally speaking, do you think it would be a cure for intimidation and bribery?—There appears to be a very strong feeling that it would do so; I confess I have not been able to persuade myself that it would be effectual; I think it would lower the standard personally of the voter.

987. Mr. *Locke.*] Generally in the City, I believe, the opinion is in favour of the ballot; are not the great majority of the Court of Common Council in favour of it?—I have not heard so.

988. But a great many are in favour of it?—I know a good many are in favour of it for the Parliamentary elections.

989. With regard to the manner in which those wardmotes are conducted, a wardmote is summoned, is it not, for business purposes, and likewise for the election?—No, it is summoned for the election.

990. At the election all sorts of questions are gone into, are they not?—A good many are, undoubtedly.

991. By the householders of the ward?—Yes.

992. And they pass resolutions and bring forward any question that they may think fit?—They do.

993. Then the candidates are nominated?—The first proceeding is to make the elections according to the precept.

994. Will you state what the qualification of a person is for common councilman?—The qualification for nomination to be a member of the Court of Common Council is first under the ordinances of the City of 1711 and 1716, I think, that he shall be a freeman resident householder in scot and lot. That qualification having become, in consequence of the alteration of circumstances, very restricted, the Corporation themselves applied for an extension of the qualification, and in 1849 they obtained an Act of Parliament, which, without doing away with the qualification to which I have referred, the original municipal qualification, not at all dependent upon Parliament or Parliamentary action, stated what should be the qualification of others than those qualified under the municipal law, that was under the 5th clause of the 12th and 13th of Victoria, chapter 94: "Be it enacted, that every freemen of the said City (not subject to any legal incapacity), who shall occupy within the said City or the liberties thereof, either solely or jointly with any other person or persons, any house, warehouse, counting-house, office, chambers, or shop, and shall, in the case of a sole occupation, be rated in respect of such premises, in his own name, to an amount not less than 10 *l.* per annum, or, in the case of a joint occupation, be rated in the joint names of the occupiers to an amount which, when divided

divided by the number of occupiers, shall give a sum of not less than 10 *l.* per annum for each and every such occupier, to the police or any other rate, and who shall be registered in the register of voters for the City of London, in use at elections for Members to serve in Parliament, and then in force in respect to such premises, shall be capable of being elected a common councilman for the ward in which such premises shall be situate, any law, custom, or usage to the contrary thereof in anywise notwithstanding." The Corporation, finding that that restriction as to freemen still closed the door to very many of the ratepayers of London, who would otherwise be qualified to become voters for members of the Common Council, occupiers of very large premises even, who did not choose to take up their freedom, applied, as I have stated, for the Act, which was passed in 1867, whereby the necessity of being freemen of London was obviated, and now any person, rated according to the terms which I have stated, without being a freeman, can be a voter for aldermen and common councillors.

995. The value being 10 *l.*?—Yes.

996. Mr. *Villiers.*] He can carry on any business, can he not, without being a freeman?—Now they can carry on any business without being freemen, that restriction has been done away with some few years.

997. Mr. *Locke.*] Every liveryman is a freeman, is he not?—Not necessarily; not of the City of London.

998. But he must be a freeman of a company?—Yes, certainly.

999. A freeman of a company, and a freeman of the City of London, are two distinct things?—They are.

1000. But can a liveryman, who is not a freeman of the City of London, vote in a Parliamentary election?—He can not.

1001. The Lord Mayor is chosen out of the aldermen, is he not?—He is.

1002. By the liverymen?—The livery return two to the Court of Aldermen, and they select one.

1003. Nobody is qualified to be Lord Mayor of London, unless he be an alderman?—That is so; and he must have served the office of sheriff.

1004. What other offices do the livery elect in the City of London?—The livery nominate one of the two for Lord Mayor; they elect the sheriffs, they elect the chamberlain, they elect the bridgemasters, they elect the auditors of the City accounts, and they elect the ale conners.

1005. That is done in common hall, is it not?—Yes, that is done in common hall at the Guildhall.

1006. The aldermen are elected, are they not, by the same constituency as the common council?—Precisely the same.

1007. And the aldermen are elected for life?—Yes.

1008. With regard to the common council, the election takes place annually, does it not?—Yes, annually.

1009. What is the effect of that annual election in the City of London; are the changes in the common council numerous, or not?—Certainly not.

1010. Although the election takes place every December, generally speaking the same persons are returned?—That is so.

1011. Frequently a common councilman will be returned as long as he choose to be returned, if there is nothing found against him, though he has to submit to an election every year?—That is so. For instance, a gentleman who has just retired, Mr. Deputy Obbard, a most respectable gentleman, for 40 years was continuously returned, and that is only one case out of many.

1012. Therefore the whole body of the common council is elected annually?—Yes, annually.

1013. With regard to other municipal corporations, one-third is elected, is it not?—Yes, I think it is one-third.

1014. And the aldermen in other municipal corporations are elected by the town council?—I really am not quite certain whether it is so or not.

1015. Do you see any disadvantage in the mode of election of aldermen and common councilmen which prevails in the City of London?—Not any.

1016. You think that it works well?—Decidedly.

1017. Have you given your attention at all to the working of "The Municipal Corporation Act" in other boroughs?—No, I have not particularly.

1018. You say you have not known any instances of bribery, or corruption, or intimidation, in the election of aldermen and common councillors, more especially for aldermen in a ward; is there very frequently a very strong contest, and a good deal of money spent?—I know nothing about the spending of money. I know that there are contests, and sometimes they are close.

1019. They have committee-rooms and canvassers, do they not?—I am not aware of the system. There is no doubt that such measures are made use of in some shape or way, more or less.

1020. Do you think politics enter, to any great extent, into the ward elections in the City of London?—I cannot say that I think they do. I think it is far more the local influence of the party being a candidate, as to his connection with the ward and the ward purposes.

1021. Do you think that the municipal elections in the City of London have any connection with, or bearing upon the Parliamentary?—I have not the idea that they have any.

1022. In the case of men who are elected for the common council, and elected as aldermen, do you think politics enter into the consideration of their eligibility for the office?—I do not.

1223. You think that those elections in the City of London are carried on for the government of the city, without reference to politics?—That is my belief.

1024. Sir *Frederick Heygate.*] You stated, did you not, that the number of liverymen was unlimited in the City of London?—I am not aware, at the moment, that all the companies are restricted as to the number of their livery. Some, I know, are restricted; but I am not aware that they all are.

1025. To your knowledge, is it the practice of those companies, that are allowed to do so,

Mr. *F. Woodthorpe.*

9 April 1869.

to make an unlimited number of liverymen?—I am not aware.

1026. Is there not a very heavy sum to be paid upon persons being made liverymen?—That depends upon what company they belong to; some are very moderate, and some are rather heavy, I believe.

1027. Can you give an idea of the average sum that is paid?—In some cases, I believe, it costs a considerable sum of money, in others it is very moderate; I should say that it varies perhaps from 5 *l.* to 50 *l.*

1028. And some much more?—No, not much more.

1029. Is it not much heavier where the applicant is not born "free" of the City?—I believe it is so.

1030. Are not there many cases of this nature?—Not largely so, that I am aware of.

1031. Is not that, practically, a limit to the amount?—Yes, there is a certain amount to be paid.

Tuesday, 13*th April* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Bright.
Mr. Cross.
Mr. Dalglish.
Mr. Edward Egerton.
Mr. Fawcett.
Mr. Graves.
Sir George Grey.
Mr. Gathorne Hardy.
The Marquess of Hartington.
Sir Frederick Heygate.
Mr. Staveley Hill.
Mr. Howes.
Mr. Hunt.
Mr. James.
Mr. Leatham.
Mr. Locke.
The O'Conor Don.
Mr. Raikes.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE MARQUESS OF HARTINGTON, IN THE CHAIR.

The Petition of Electors of the Borough of Warrington was read by the Clerk. 13 April 1869.

Mr. HENRY BLECKLY, called in; and Examined. Mr. *H. Bleckly.*

1032. Mr. *Cross.*] You are a Magistrate, I believe, of the county of Lancaster?—I am.

1033. And you have been twice Mayor of Warrington?—I have.

1034. Does not the firm of which you are a member employ a very large number of hands in the iron trade?—We do.

1035. How many hands have you employed on the average?—About 1,000.

1036. Have you for a long series of years been acquainted with the proceedings at elections both municipal and Parliamentary?—I have.

1037. Would you have the kindness to describe to the Committee as shortly as you can, the state of things which existed in Warrington at the municipal elections before the passing of the last Municipal Act in 1859?—There was a very considerable amount of bribery and other undue influence exercised at the municipal elections, which, during the last 10 years, has very much diminished. The municipal elections, speaking of the borough of Warrington exclusively, have been conducted in a very much more orderly and respectable manner during the last 10 years than they were in the preceding years.

1038. Have you seen since the passing of that Act a great change in the amount of drunkenness in the streets on the day of the municipal elections?—There has been very much less of drunkenness during the period that I speak of, than there was in the antecedent period.

1039. Do you think that that change has been from the gradual growth of improvement in the opinions of the people generally, or did it come suddenly into operation as soon as the Act came into force?—It happened to come contemporaneously with the Act, and has been generally spoken of as having been the result of the Act. I say this without reference to any particular party at all; but it has been considered that the operation of the Act has been to improve the character of the municipal elections materially.

1040. There have not, I believe, been any prosecutions under the Act?—I believe not.

1041. How do you account for it that the Act should have had that effect?—I hardly know how to account for it. It has been seen, and understood, that definite punishments likely to be inflicted attached to the offences, and people have been unwilling to incur the penalty.

1042. With regard to the nominations under that Act, do you think that a great number of people have been nominated under that Act, or a larger number than there would have been the case if that Act had not passed, of factious and fictitious nominations?—I think fewer persons have been nominated.

1043. *Chairman.*] You stated that within the last 10 years the municipal elections have been conducted in a more orderly manner; do you think that they have been conducted in a pure manner also?—I do.

1044. Have you ever heard any allegation of the prevalence of bribery at the municipal elections at Warrington?—Very seldom. One hears men talk about such things occasionally, but they have never been brought to any test or proof, and I do not think that there has been any allegation that could be relied upon of there being any extensive system of bribery at all. I may say that I have not heard of any.

1045. Is it your belief that there is very little bribery?—It is my belief.

1046. Are not the contests in the municipal elections frequent?—They come round in the ordinary course under the Act of Parliament, and there are generally contests at the time of the election, I think; one or more probably.

1047. How many wards are there in the borough?—There are five wards in the borough.

Mr. *H. Bleckly.*

13 April 1869.

1048. Do you know the number of electors?—I should suppose that the number of electors would be about 4,000.

1049. Sir *George Grey.*] Was this a sudden change that took place after the passing of the Act of the 22nd of Victoria?—I think it was.

1050. Was any public attention called to the Act in Warrington, or any public notice given of it?—I do not think there was.

1051. You stated that you attribute it rather to the knowledge that a specific punishment was attached to bribery, and not to any attempt to enforce the Act; are you aware whether there was any specific punishment attached to it under the Municipal Act?—No doubt there was a punishment attached to it under the general Act, but this was brought more prominently into view when this Act was passed.

1052. Do you mean that it was the fear of the penalty imposed by the 11th section of that Act which deterred persons from offering and receiving bribes?—I think that it had considerable effect.

1053. Mr. *Bright.*] What is the condition of your corporation; do politics enter much into the elections?—They have done more than they do now.

1054. What is the complexion of the council, is it Tory or Liberal?—We should call it Radical in Warrington.

1055. Is there a majority of the Liberal party in it?—Yes, I think there is.

1056. Has that been so generally for the last 10 years?—I think it has.

1057. Is it so by a very large majority, or not?—I do not think it is; I think it is now by a fair working majority; not an overwhelming one.

1058. Have the contests been spirited or violent?—They have not been what you may call bitter; party spirit has been somewhat moderated, I think, and if a man were considered a fair representative, under the circumstances, I do not think that the fact of his belonging to one particular party would probably have prevented his being elected, assuming that he had other qualifications.

1059. If there has been a general absence of bribery, has there been much treating; much of what has been called public-house work?—I do not think there has.

1060. *Chairman.*] Has the Act been put into force?—I think we had a person brought up for personation under the Act some years ago.

1061. Mr. *Villiers.*] There has been no occasion to enforce the Act, if there has been no bribery or treating at Warrington?—I am not prepared to say that there has been none; but none that has been brought forward in an official manner, and none that has been brought forward so as to be taken notice of.

1062. Do you mean that no person has been charged with breaking the law?—I say, that in the first place there has been no evidence of it.

1063. But would it be the disposition of the people of Warrington; the authorities, for instance, if they heard or suspected bribery, to put the law in motion?—I think it would.

1064. May I ask why you think it would?—I think that there are many respectable people, who, if they saw the law conspicuously broken in that way, would be disposed to put it in operation.

1065. You stated, did you not, that it never has been put in operation?—I do not think there has been occasion for it to be so.

1066. You have never heard that there was occasion?—I do not think so.

1067. There have been contests at those municipal elections, have there not?—There have.

1068. Are the people not somewhat eager in the contests; do they not canvass there?—They do.

1069. And do the people vote quite independently, animated by public spirit, and prompted by no other motive whatever?—That is more than I can tell. I cannot undertake to say under what motive they vote; but as a matter of fact, I think that they do vote without undue influence being used to direct their votes.

1070. We are rather particular in hearing this evidence from you, because it varies a good deal from what we have heard in other places, where it seems that the people do not take a very strong interest in the candidates, unless the candidates move them by something?—I will say that they do not take, probably, so much interest. I do not say that they take a great interest in it; but the fact is, they have been elected without much trouble on their part. I was elected myself without taking any steps whatsoever; without asking a single person for his vote, and without giving or doing anything whatever to acquire the position which they elected me to.

1071. There was no contest, perhaps?—I am not aware that there was any contest; but I say that I not only used no undue influence, but that I did not even take any steps to secure my election.

1072. Do people desire to belong to the council at Warrington?—A certain number of persons do; I do not say that the desire is very urgent.

1073. I think I understood you to say that public-houses were not resorted to upon that occasion at Warrington?—I do not say that they are not resorted to; but I say, for instance, that a candidate may probably have his place of meeting at a public-house; his committee may meet there.

1074. People do not get refreshments there gratuitously during those contests, do they?—I have not heard of their doing so.

1075. You could not say that they have not?—I could not undertake to say that nobody received refreshments without paying for them; but I have not heard that it has been so; I fancy that as people are induced probably to do their best against their opponents, if it was notorious, or could be proved, they would have brought it forward.

1076. Is there ever any riot during those elections?—I do not think we have had any at all.

1077. Are the Parliamentary elections conducted with the same propriety and purity as the municipal elections?—As far as my experience goes, the Parliamentary elections have been conducted in an orderly and respectable way, without riot or disturbance.

1078. There was a contest upon the last occasion, was there not?—There was.

1079. Has there been an inquiry since?—Yes, there has.

1080. Were the Members unseated?—No, they were not.

1081. Sir *George Grey.*] Will you just look at the 54th section of the Municipal Act, 5 & 6 Will. 4, c. 76, and read it to the Committee?—"And be it enacted, that if any person who shall have, or claim to have, any right to vote in any election of

of mayor, or of a councillor, auditor, or assessor of any borough, shall, after the passing of this Act, ask or take any money or other reward, by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give, or forbear to give, his vote in any such election, or if any person by himself, or any person employed by him, shall, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give, or forbear to give, his vote in any such election, such person so offending in any of the cases aforesaid shall, for every such offence, forfeit the sum of 50 *l.*, of lawful money of Great Britain, to be recovered with full costs of suit by anyone who shall sue for the same by action of debt, bill, plaint, or information in any of his Majesty's Courts of Record at Westminster; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any election in such borough, or in any municipal or Parliamentary election whatever in any part of the United Kingdom, and also shall for ever be disabled to hold, exercise, or enjoy any office or practice to which he then shall, or at any time afterwards may, be entitled as a burgess of such borough, as if such person was naturally dead."

1082. Does not that clause impose a penalty of 50 *l.* upon any person who commits bribery at a municipal election, and also disqualify him for ever from the exercise of any municipal franchise?—It does.

1083. What is the reason why that clause was wholly inoperative, and that a great deal of bribery existed before 1859 in the municipal elections at Warrington, whereas the Act of the 22nd of Victoria, which imposes milder penalties or a disqualification of only six years instead of a perpetual one, has been operative?—If I were to say, as a matter of fact, that when this Act of Parliament was passed there did exist a large amount of bribery, I should merely state what was true; if I am asked how it happens that such a fact should exist with this penalty staring people in the face, I am not able to say, except that if you impose a severe penalty, a penalty more severe than public opinion would approve, or than you would expect the public feeling to go along with you in enforcing, the probability is that your Act becomes a dead letter; if you inflict a moderate penalty which public opinion will support you in, the sentence is then regarded as one that may be fairly brought to bear against the offender.

1084. Then I believe the penalty under the last Act is recoverable in the county court?—I believe it is.

1085. And therefore by a much easier and less expensive process?—Yes, it is.

1086. Do you really attribute the decrease of bribery in Warrington to the operation of this Act; to the diminution, in fact, of the penalty and to the fact of its being recoverable in the county court, although this last Act has never yet been put in force?—The certainty of the penalty being incurred tends to diminish the offence; when punishment is brought within reasonable limits, it is understood that it will be incurred, and therefore the act is abstained from.

1087. Do you think that the general opinion in Warrington is that this Act would certainly be enforced in case of any flagrant bribery?—I think that is the opinion.

1088. There would be no indisposition among respectable persons in Warrington to set that Act in motion?—I do not think there would.

1089. Mr. *Edward Egerton.*] The provisions of that Act were pretty well known in Warrington, from the fact of my honourable friend the Member for Lancashire at that time residing in Warrington?—Yes.

1090. So that there was a general knowledge, throughout Warrington, of the provisions of the Act which he had passed through Parliament?—Yes; it was more especially known as Mr. Cross's Act.

1091. Is that the reason which you assign for the gradual change in the state of public opinion?—I am not able to say what the reason may be; but, as a matter of fact, I say that the Act was well known in Warrington to be an Act of Parliament which had been introduced into Parliament by Mr. Cross.

1092. And the inhabitants of Warrington knew that Mr. Cross had paid a great deal attention to the subject?—Yes.

1093. And was anxious to relieve Warrington, if possible, from the stigma of corruption?—No doubt.

1094. Mr. *Locke.*] Do you think there would be any necessity for a public prosecutor?—I think it would be an advantage that there should be.

1095. For that reason do you think that there would be any advantage in it if, as you say, steps would be taken to punish bribery?—I think they would be taken more certainly and effectually if there were an officer whose duty it was to do it; in other cases parties might consider that it would have to be a flagrant case for them to take up; but if there were a public officer whose duty it was, it would be expected that he would do it under all circumstances.

1096. Upon every occasion, as a matter of course?—Yes; that is to say, he might fail on many occasions in establishing a proof, but as he would be working with the public money he would have an inducement to undertake a lawsuit that a stranger would not have, who might, unless he had overwhelming evidence, not bring it forward.

1097. Have you given your attention to the question as to a public prosecutor?—No; I consider that it would be exceedingly desirable that, in the case of offences against the public, the prosecution should be set in motion by the public themselves rather than by a private person.

1098. As to the public prosecutor, which you suggest should be appointed, do you mean that he should be appointed merely for this purpose, or generally for the repression of all offences?—I have hardly considered that question; I fancy that what applies to the one would apply to the other.

1099. Mr. *Brand.*] I understood you to say, speaking of Warrington, that previous to the last 10 years the municipal contests were more corrupt than they have been subsequently?—They were.

1100. Was political excitement greater at that time?—Possibly it might have been.

1101. And there would be less political excitement in recent years?—I think there has been less political excitement in recent years.

Mr. *H. Bleckly.*

13 April 1869.

1102. And do you think that the comparative absence of corruption of late years has been caused by the absence of political excitement?—I think that that has had its influence.

1103. Mr. *Staveley Hill.*] You have had a good many matters which have considerably interested the borough of Warrington, have you not, such as water works, sewage works, and so on?—Yes.

1104. Have they been much considered by the ratepayers?—They have.

1105. And have they had any influence at all upon the ratepayers, as to the persons whom they have returned to the council?—They have entered into their consideration, no doubt; the Act which enabled the ratepayers to arrest the progress of the corporation in undertaking works has been introduced in Warrington, which has very seldom been done in any other place that I know of. The corporation proposed to purchase the gasworks and the water works, and the municipal electors put their veto upon that step, as they are empowered to do under the Act of Parliament, and stopped them.

1106. Did not that excite a considerable amount of interest in Warrington?—Yes.

1107. I think you had one Bill last year, in Parliament, of considerable importance?—Yes.

1108. Do you know at all about what proportion of the voters voted at the last municipal elections?—I cannot speak of with certainty; I do not think that anything like seven-eighths would vote at the municipal elections; but I really cannot tell. The municipal elections took place in November, and I have not had an opportunity of examining into the returns.

1109. Practically speaking, in those elections you have not known of any corrupt practices?—I have not; and I may say that the general impression in the town (I do not say of one particular party or the other) is, that the elections have been conducted in a fairer, more regular, and more orderly manner during the last 10 years than they were in the preceding time.

1110. There have been no complaints of any corruption?—There have been no complaints of any corruption to any extent.

1111. Mr. *Villiers.*] Has any undue influence been used, such as intimidation on the direction by masters to vote?—I do not think there has.

1112. You would know of those things if they did occur, would you not?—I think that I should hear of them; I think that they would be brought out or we should hear of them; we have newspapers that would give us information.

1113. Are you now in office?—I was mayor up to the end of last year, but I am not so now.

1114. Had you been in the corporation before then?—Yes, I was in the corporation some time before then.

1115. I think you said that you never engaged in a contest yourself?—No, I have not.

1116. You were always elected without an opponent?—Yes.

1117. But you do not know the particulars of the election of any other person who was so fortunate?—I know that there have been persons elected in that way.

1118. But where there has been a contest you know nothing of the particulars of the contest?—Nothing further than the public reports; I have not taken any special interest myself in them.

1119. Mr. *Cross.*] You have been twice mayor of Warrington, have you not?—Yes.

1120. Mr. *Graves.*] Do you attach much importance to voting by papers in the municipal elections?—I think that it is a very useful method of voting.

1121. Is it not rather an unnecessary trouble to oblige a man to go personally and deliver in a written notice of the way in which he votes?—Considering the mistakes that have taken place in the voting at Warrington, we should desire to see the most regular and strict method applied to voting, so as to be sure that the intention of the voter is carried out.

1122. Have any instances come within your knowledge where those papers have been altered after being signed by the voter while going to the polling place?—No, I have not known of that.

1123. Mr. *Cross.*] Will you state to the Committee, as shortly as you can, the fault that happened in the last Parliamentary election at Warrington?—The petitioners complained that they attended at the polling booth, and they did that which they understood was giving their vote, that they left the booth under the impression that they had so voted, and that they did not discover until some time after that their votes were not recorded; and they naturally complain that any official arrangements which had the effect of misleading them should have the effect of depriving them of their votes.

1124. Will you explain to the Committee what was the deficiency in the arrangements which led to the mistake?—At the Parliamentary election there was a poll clerk, who was appointed by the returning officer to record the votes; there were also check clerks appointed by the candidates to see that the votes were recorded; they sat before a desk, and there was no distinction made between the poll clerk and the check clerks; so that an uninstructed man, or in fact an instructed man, going into the booth, would have no means of knowing whether any one of the persons who was writing before him was an official or a person merely sent there to check an official. Those men went in with their cards and handed them across a table or a desk to the persons who were writing on the other side of it; they did not know which was the poll clerk and which was the check clerk, but they handed the card across and the check clerks took down the vote.

1125. The check clerks on both sides took down most of the votes, did they not; but the official clerk omitted some of them?—That was the case, I believe. The check clerks may have omitted some of them; but I believe the check clerks pretty well corresponded with each other; but the poll clerk, being entirely inexperienced, did not enter the votes as they were given. He did not make any inquiry, I believe, of the voters for whom they intended to vote; but he simply took their cards and put them into his pocket.

1126. Some of the men whose votes were not entered on the actual poll register did actually tender their votes legally, and their names would have been put on by the judge, or were put on afterwards?—Some four or five, I believe, were put on by the judge afterwards, as having done that which in his judgment entitled them to say that they had voted. They feel very much aggrieved that, having been entitled to vote for the first time under a new Act of Parliament, there should have been some restriction put upon them which they were not informed of, and that there

there should have been no provision on the part of the authorities to distinguish the person who was entitled by law to record the votes, and the other persons who were there merely to check the votes.

1127. Mr. *Bright.*] This happened in only one particular booth, I believe?—It happened in one booth merely.

1128. In that booth who was the returning officer?—The returning officer is one person, the mayor of the town.

1129. Who was his deputy in that booth?—I cannot tell you who the deputy was.

1130. Mr. *Cross.*] Who was the poll clerk?—The poll clerk was this man whose history you have heard to-day, in the petition which has been read, and who has since died.

1131. He went into a lunatic asylum and died, did he not?—Yes.

1132. Mr. *Bright.*] Were the errors thus committed all on one side?—They were nearly all on one side.

1133. Not entirely so?—I am not aware that they were to any extent on the other side; but they were nearly all on one side.

1134. Then not only did the poll clerk neglect his duty in not asking for the vote, and recording it, but the check clerk put there to watch the interests of the party for whom those men intended to vote also neglected his duty?—He failed to see that the poll clerk did not enter the name of the voter.

1135. But the machinery, as it is organised either by Act of Parliament, or by custom, or by the returning officer, appears to have been complete; and notwithstanding that it broke down?—It appears to me to be incomplete, because there is no defined duty, as it seems, devolving upon the officer, and no formal responsibility lying upon him which should enable a man to say "I did a certain act, and thereby entitled myself to be put upon this poll book"; because if the law does not define the act, and if it is to depend upon the opinion of the judge or jury, or whoever it might be, whether a man did sufficient or not, it seems rather hard upon men who have no knowledge of such things at all, that they should lose their votes from their not conforming to a rule which they are not made acquainted with, and that the officer who turns out to be a sham, or worse, should incur no penalty.

1136. Sir *George Grey.*] Did not the judge, in fact, hold that those voters never tendered their votes; that they merely put their cards across the table, and never stated for whom they voted?—I understand the decision of the judge to be, that they did not, in a legal sense, tender their votes.

1137. Mr. *Cross.*] I understand the complaint to be not in the least a political question?—No, there is no imputation made that the thing was done in that way at all; it is a defect of the machinery in taking the votes which is complained of.

1138. What you wish to represent to the Committee is this; in the first place, that there ought to be some provision, as there is under the Municipal Act, by which some man of character and station should preside at each polling booth?—That is so.

1139. At each polling booth in the municipal election, I believe the alderman of the ward is bound to preside?—One alderman for the ward is nominated as the presiding alderman.

1140. What you want is, that there should be at the Parliamentary elections some man of standing and high known character who should preside at each poll booth, and see that the votes are properly taken?—Undoubtedly.

1141. And that there should be some form specified by Act of Parliament, as to the way in which votes should be given, and as to what is a legal tender, and what is not?—Undoubtedly.

1142. This matter of course was found out, was it not, when the mayor added up his books at the end of the day?—Yes.

1143. And then he found, to everybody's surprise, that the result was different from either of the check clerks?—Yes, that was so.

1144. Supposing that the voting had taken place by ballot, and that through some accident those papers, or whatever form they might vote in, had not reached the proper destination, could that possibly have been found out?—It appears to me that it could not. I do not impute to this man that he did, or intended to do, that which was wrong, but I mean to say that if he had intended to do that which was wrong, he could do it just in the way that he did; and that if he were taking votes secretly, there would be no reason in the world why he should not deal with them in the same way, put them on one side without anybody being able to detect what he did with them.

1145. You could not find out whether the man had cheated, or had not?—It appears to me impossible; there should be a self-acting machinery, which will protect the public from being defrauded of their votes in this way; it should not be dependent upon the act of this man or that man, but it should be such a machinery as would ensure that the intention of the voter should be effectual.

1146. You mean that there should be a public check upon it?—Yes; unless a man has an opportunity of seeing afterwards whether his vote is recorded as he intended it, he may have no possible means of telling whether the officer has dealt honestly with him, or has not dealt honestly with him.

1147. With regard to the matter of bribery, of course you can only speak of that class of persons with whom you are intimately acquainted; you know nothing about farmers or shopkeepers; you come here simply to speak about the case of workmen?—Yes, that is so.

1148. You have told the Committee that your firm employ 1,000 hands, and that you are intimately connected with the workmen in that district?—I am.

1149. Do you believe, as a fact, that there does, or does not, exist much intimidation in towns like Warrington and in the north of England by the master against his workmen?—I can only say, for my own part, that I never attempted either to intimidate or to bribe any man; that our workmen have voted just according to their inclination, a large proportion of them having voted against my party, and that I have no reason to suppose that the other employers of labour in the town would act in any other way than I would myself. I do not believe that the workmen themselves would, as a rule, be amenable to influences of that kind; I do not mean to say that there are not exceptions, but I say that as a rule, the workmen would not be amenable to those influences; I do not think either that the employers of labour in Warrington would

Mr. *H. Bleckly.*

13 April 1869.

exercise undue and improper influence upon their men.

1150. You do not think that you could bring up witnesses, so far as the town of Warrington goes, to show that there was intimidation used by masters towards their men?—I think not.

1151. There is a growing feeling, is there not, amongst the men themselves to resist any such intimidation if it was attempted?—I think that would be so.

1152. Is it a fact, or is it not, that in the case of all those men (I am speaking now of the north of England and such towns as you are acquainted with), their opinions upon public matters are perfectly well known to each other?—I take it that they are well known; and there is no difficulty whatever in ascertaining the preferences of any man who is employed in any work such as ours.

1153. And that the voting in fact practically is the last act of a long series of matters by which his opinions are known?—No doubt all the antecedent history of the man, all his talk and all his actions, are open to the observation of the persons with whom he associates, and the act of voting is simply the concluding act of a history which has gone before and which has been well known to other people.

1154. Is the fact of his having to vote openly, to a certain extent a protection for the man?— I think it is a protection to the man, and to the public, inasmuch as his opinions being known and his bias being understood, if he acted against it he would probably lose caste with the people that he associates with, and it would be assumed that he had done so under some improper influence; but on the other hand, if his vote were entirely secret and were not known, there might be some inducement for him to deal with it in some way for his own private advantage.

1155. Is it your opinion, that supposing the ballot were established bribery might be more extensive, for this reason, that if a man were bribed in the case of open voting, he got his bribe in his hand and went away and cared nothing more about it, whereas, in the case of voting by ballot, a man would say, "I shall give you nothing unless I succeed," and then the man would have to earn his money and would go on zealously bribing throughout the whole election; I believe that is your opinion?—Yes; I have no doubt that men would then pay for results and would not pay otherwise than in case of success, and that bribery would take the form of giving the man so much at such a time in case the candidate was returned. I say, that there are a certain number of bribable persons, and that there are a certain number of persons who are willing to bribe, and that the question of bringing those persons together will always arise; and that if you put a man into such circumstances that it is his interest to work continuously in order to succeed, he will continue to work.

1156. Mr. *Villiers.*] Do you speak of Warrington?—I speak generally. I merely speak of the persons who would bribe and the persons who would be bribed.

1157. *Chairman.*] Were the facts which you have stated to the Committee with regard to the last Parliamentary election at Warrington, admitted at the inquiry which took place before the judge?—I think they were.

1158. They were not disputed by either side?—I think they were not. The fact was that the judge took three or four cases and determined that those persons had done sufficient to entitle their names to appear upon the poll book; he then took another person, and having heard his evidence he considered that he had not done enough; and the counsel for the petitioners then said, "My other cases are similar to these, and therefore it is not worth my while to trouble your Lordship with them"; the judge having decided that they had not done sufficient to entitle them to be put upon the poll book.

1159. What had those voters done who were held by the judge to have done sufficient?—They had gone into the room and said for whom they voted, and presented their cards.

1160. Then the failure which took place at Warrington was solely in consequence of the incompetence of the poll clerk and of the incompetency of the check clerks to the extent of not insisting upon his doing his duty?—I do not know that the check clerks had any authority to insist at all, but it arose partly from the want of proper mechanical arrangements to distinguish the poll clerk from the check clerks and from the poll clerk not doing his duty.

1161. Sir *George Grey.*] Was it not a fact that whenever a voter had, in accordance with the law, verbally stated for whom he voted, the judge corrected the mistake of the poll clerk and placed the name of that voter on the poll book, but where the voter had gone into the booth and merely put his card across the table and said nothing, the judge held that that was not a legal tender of the vote, and the vote never having been tendered never could be recorded; was not that the substance of the decision of the judge?—It might be something like it.

1162. Was not it, in fact, the substance of the decision?—I am not quite sure that it was, but I think it is pretty nearly that; but I mean that the authority appointed to receive the vote, being appointed in the public interest, and having to deal with men who had never voted before, should have put the question to those voters, and that it does not entirely lie upon the voters to go and say, "I vote for A. B.," but upon the poll clerk to say, "For whom do you vote"? And I think that there being no legal form prescribed by compliance with which a man is entitled to say, "I have voted"; and an uninstructed man, having gone into the poll booth with a card in his hand, plainly intending to vote, it became the duty of the public officer to say to him, "For whom do you vote"?

1163. *Chairman.*] With regard to the question of influence exercised at elections, do you think that any influence is exercised in Warrington by the workmen over each other as to their votes?—It is very hard to say that they may not influence them by argument or any other form; but I have no means of knowing that there is any undue influence exercised upon them.

1164. You do not think that any pressure or violence is used?—I do not.

1165. I think you stated that you are pretty well aware of what are the political opinions of the men who work under you?—I mean to say that if I wished to know I should not have any difficulty in ascertaining.

1166. But, as a fact, do you know the political opinions of a great many of them?—I have reason to know how most of them voted.

1167. Do you know the political opinions which they hold?—I do not know their names, there

there are so many; but if I wanted to know I should have no difficulty in ascertaining.

1168. Do you know, or not, as a fact, whether many of them are in favour of the ballot?—That I do not know.

1169. Mr. *Bright.*] May I ask whether you have made the ballot your study at all?—I have thought about it and read about it.

1170. Have you ever seen it in operation in any country where it is practised?—No, I have not.

1171. Were you in Manchester at the time of the late trial of ballot election?—I was not.

1172. Can you tell me of any book or pamphlet or publication describing it, as it is seen in other countries that you have read?—Really that is rather a wide question to answer, and I cannot say that I could offhand; I have read a great deal that has been written on the subject.

1173. But you appear to have a very confident opinion that a mistake like that which occurred at Warrington, could not have been found out by the ballot?—When I look at the fact of a man writing down the votes in public, and which he knows will be examined in a few days by somebody else, and when he yet manages to manipulate the votes so that 70 men are entirely deprived of them, I say if they do this thing in the green tree, what will they do in the dry? What cannot be done when the security of publicity is taken away, and when the whole thing is shrouded in darkness? I suppose there must be some public officer or other in the last resort to control, or to see that the vote is given, and if that person is corrupted or imbecile, the vote may be dealt with as he thinks proper.

1174. Did you ever hear in any of the elections of this country on going back to the time of the Reform Bill, that a similar case to that at Warrington has happened before?—I can very readily imagine that such things may have occurred very often, and not have been discovered.

1175. Do you think that if the check clerks' books agreed, and they both disagreed with the poll clerk's book, no notice would have been taken of it?—I fancy that in very many elections where the difference is not considerable, the poll clerks and the check clerks do not bring their accounts into agreement. Where the difference between the number of voters is very near, the probability is that they would do so, but if there was a majority of 1,000 or 1,500, and there was a difference of 15 or 20, they would not be very careful to have it settled as to who was right or wrong.

1176. At your last Parliamentary election at Warrington, is it your opinion that there was any bribery practised?—I do not think there was any bribery.

1177. Do you think there was any treating?—There might have been by indiscreet partisans; of course it is very difficult to know what treating really means; some persons consider one act treating, and others another.

1178. Did you hear that the night before the election there was a good deal of what is called bottling?—No; I have heard that one or two persons were said to have been bottled.

1179. Did you not hear that at certain public-houses, and in one in particular, a very large number of electors were taken the night before the election, and kept there during the whole night, and polled early the next morning?—No, I did not hear of that; I may explain probably what took place, because it might be misunderstood. There were a number of persons who met together at some place near to the polling booth, where they would have to record their votes, and they stayed up all night in that place, because it had been given out that the other side would come in great force early in the morning and take possession of the polling booth.

1180. Do you know or not, that it has been charged by one party upon the other in Warrington, that at your last election a large number of electors were so secured and taken care of during the night previously to the election in places in connection with public-houses?—I do not.

1181. Have you not seen that such a charge has been made either in speeches or in your newspapers?—I am not in the habit of attending to speeches that are made in connection with local affairs.

1182. But in the newspapers, have you not seen it?—I have not.

1183. Can you tell at all what was the number of public-houses having votes at your last election, and in what way the great majority of them voted?—The number of public-houses is considerable, and I should think that the majority of them voted in favour of the Conservative candidate.

1184. That has generally been the custom in your borough, has it not?—We have not had many contests in our borough.

1185. At your nomination at Warrington at the last election, was there a very large attendance of persons?—Yes, very considerable.

1186. Was it very tranquilly conducted on the whole?—It was not; I never saw one that was.

1187. How many people do you think there were present?—I should say 5,000 or 6,000.

1188. Where was it held?—It was held in a place called the Fair Ground, an open space.

1189. Was there a considerable attendance of police?—I dare say that the whole of the police that could be spared were there.

1190. Do you think that there were many people there that did not belong to the town who came from the neighbourhood?—I dare say being Monday there would be.

1191. Were you present on the hustings?—Yes, I was.

1192. Did you take any part in moving or seconding the candidates?—I did not.

1193. Did you hear the speeches?—No; I saw them, I might say, but I did not hear them.

1194. Did anybody hear them?—I should think not.

1195. Were they reported?—I believe they were.

1196. Did the speakers then address themselves almost entirely to the reporters?—Yes, they did.

1197. When the show of hands was taken was a majority declared?—The majority was declared in favour of Mr. Rylands.

1198. By such a majority that it was not disputed?—I think it was disputed; but, then, it is so difficult that it is impossible to judge; I do not think anything is to be attributed to that.

1199. Were there any skirmishes during the nomination?—There was a deal of what you call horse play, rough sort of work.

1200. Nothing further than that?—I think not.

1201. Is it your opinion that the practice of nominations

Mr. *H. Bleckly.*

13 April 1869.

nominations is unfavourable to the tranquillity of elections?—I think so.

1202. That is to say, bringing together a great number of both parties, they are apt to get a little excited during the day?—No doubt; I think they would be very much better dispensed with altogether.

1203. Sir *George Grey.*] What would you substitute for the nomination in the case of an election?—I would have at some public office the names published the same as they are at the municipal elections.

1204. Are you aware that the nomination is, in fact, the election where there is no contest?—Yes, I am aware that it is, and so it would be in this case; if there were no other person nominated the person who is nominated would be declared elected as at the municipal election.

1205. At what period would this nomination take place; the day appointed for holding the election in the borough, we will say, would be Monday, the 10th of the month, three days after the writ has been issued; when would the nomination take place?—Just as it does now; they might give three days' notice, within which the names of the candidates who were to be proposed should be left at a public office.

1206. Would you propose that the names of the candidates in the case of a borough should be left at the office within those three days now allowed by law as the period within which the election should be held?—They should.

1207. Would you allow the nomination to be made up to the last moment; in fact, to the morning of the day on which the election is to take place?—No, I think not.

1208. Then you would not give more than three days' notice?—I would give them three clear days to do it in, but it would be done by simply altering the time after the receipt of the writ.

1209. Is it not the case that now any person may be nominated on the day fixed for holding the election on the hustings and in the face of the constituency?—I believe it is.

1210. How would you publish those nominations?—I would publish them at the Town-hall or some public office; they should be posted up as other nominations of that kind.

1211. If there were no second candidate or no third candidate in the case of a place returning two Members, you would have the returning officer, as I understand you, declare the one or the two, as the case may be, duly elected?—I should.

1212. What opportunity would those candidates have of declaring before the constituency their political opinions?—They generally have an opportunity of doing so long before the election takes place; and, as a matter of fact, they do so; they issue addresses and hold meetings, and do a variety of things which enable the constituency to form an opinion as to their political views.

1213. Are those meetings generally mixed meetings or meetings of the partisans or friends of the particular candidates?—They are generally meetings of the partisans.

1214. Then what opportunity would there be given for the constituency to compare the political opinions of the two candidates, and to cross-examine them in fact?—They would have an opportunity of attending. I imagine that the circumstances would suit themselves to the law. If there were no nominations before people elected candidates, they would make an opportunity of attending somewhere and asking them questions.

1215. Is it not the case now that it is considered an uncourteous thing, when a candidate has a meeting of his own political friends, for his political opponents to come in and disturb the meeting by putting some hostile question?—If they do it in a hostile way; but if the object is fairly and honestly to ascertain a man's opinions, then I do not think there would be any objection.

1216. Do you think that if nominations were abolished, mixed public meetings of the constituents would be held, before which the several candidates might appear?—No doubt.

1217. Do not you think that those mixed meetings would be liable to the same objection as nominations: that there would be a great deal of interruption on the part of contending parties?—No, I think not.

1218. I can quite understand that meetings would be quiet meetings which are composed of the friends of the candidates; but when you get this mixed constituency in a public meeting, at which the respective candidates are to address the meeting and subject themselves to cross-examination as to their political opinions, why should not the same scenes of disorder take place at those meetings that now are alleged to take place in some cases at nominations?—In the first place, there is no object at the nomination of ascertaining any man's opinions; they are perfectly well known beforehand; nobody goes there for the purpose of learning what his opinions are; he has ascertained that beforehand.

1219. You think that the speech at the nomination has no effect upon the votes to be given?—Not the slightest.

1220. Has the nomination day generally in Warrington, in your experience, been a disorderly one?—Not when there has been no contest. I was at Liverpool at the nomination for South-West Lancashire, and although people would have been anxious to hear Mr. Gladstone, there was a general outcry on all sides, the bulk of the people could not hear; and they did not care to stand still and let the other people hear, and so they made a great noise; on such occasions few people can hear, and a very few people can make a great uproar.

1221. Mr. *Villiers.*] Would it be an unpopular thing to do away with the nominations?—I do not think it would. I never heard anybody who after any experience of it desired to retain the nomination day at all.

1222. Sir *George Grey.*] Would you abolish the day of the declaration of the poll also?—I think it is a desirable thing that there should be a public declaration of the poll.

1223. Is not that very frequently the occasion of great disorder?—No, I think not. I do not think that people care very much to attend when they know who is elected; it is generally the friends of the candidates who attend them. I have never seen any great disturbance then, excepting just when the candidates perhaps were addressing their constituents.

1224. At the time that that takes place, supposing the beaten candidate as well as the successful one attends at the declaration day, and the partisans of each candidate, does not that also lead to disorder as well as the speeches before

before the nomination?—No doubt it would, but it would not be necessary that there should be any speeches after the election was over.

1225. Might not the mayor or the returning officer give public notice who was returned without making that notice public upon the hustings?—Quite so; I do not know that there is any reason why it should not be done so.

1226. Mr. *Villiers.*] You have stated here, have you not, that you speak the opinions of the working people upon this matter?—No, I do not know that I said so; I say that my experience with them and of them does not lead me to the opinion that they would submit to improper influences; that the tendency is in the other direction, to leave them to the free exercise of their own opinions and feelings.

1227. You are not at all aware, are you, of what their opinions are upon those matters that you have been speaking of?—I have not made much inquiry.

1228. You have never communicated with them upon the subject of open voting or the ballot?—I have not.

1229. You have stated that you thought that open voting was a protection, especially to working men?—Yes; I mean to say that it is a protection or security in respect of voters who might be exposed to being tampered with.

1230. You say that they are always outspoken as to their opinions, and their doing so is a protection for them, because nobody would want, unless for an improper purpose, to induce them to vote in a different way?—I did not say that nobody would attempt to induce them, but I say that their opinions are known in consequence of their working together, and talking together, and being in constant and daily communication with one another, and that they are not in the habit of withholding from one another their feelings and views upon public matters and persons.

1231. How is open voting a protection, unless that openness, on their part, is a notice to the whole world not to ask for their opinions at the time of the election?—Supposing a small percentage of them were inclined to deal with their vote as a marketable commodity, if their fellow-workmen did not know how they voted, they might probably do so, but if their fellow-workmen know how they vote, they then are able to see whether they have voted in accordance with their opinions or in opposition to them.

1232. Is that their view of the protection, or at least is that their view of the present system of open voting, that it is a protection to them?—I have never heard them complain of the present system of open voting at all.

1233. But you have not any idea whether they will take the same view as you do with respect to open voting being a protection to them?—I do not say that it is a protection to them; I say it is a protection to the public or to other persons that those men shall vote according to their opinions, and there is a check upon them in consequence of the fact that their vote will be known, their opinions being previously known.

1234. Then you did not mean to say that open voting was any protection to the working man himself?—I do not mean to say that there is any protection to him; I do not see how he is protected, except that his opinions being known, if he were tampered with, it might be suspected that he had been so.

1235. Now that voting is open, supposing that any master became rather eager in a contest, and wished his men to vote upon the same side as himself, and he exercised that influence unduly upon one of his workmen, do we understand that the opinion of the workmen would protect that man, and would support him, if he was to be so influenced, or do you think that the working men would not yield to the influence used by the master?—I think there are a certain number of working men who would yield to that influence; I think that there are a certain number in the community who are bribeable; a certain class of men who would give way to improper influences, but that a much larger number would not do so.

1236. You do not intend to say anything against what is generally urged in favour of the ballot, that it enables a man to exercise his opinions freely?—No; I do not know that it prevents him exercising his opinion freely.

1237. Supposing him to have an opinion, it enables him to do that without any fear of molestation, either by his fellow workmen or by his master, does it not?—I do not exactly know what sort of molestation he would be subject to; I mean to say that, at the present time, such men as I am acquainted with, feel themselves able to go and give their vote in an open manner without fear of the consequences.

1238. You are now speaking, are you not, of men immediately under your own superintendence?—Men, such as I am acquainted with myself.

1239. You have heard a good deal of influences being used in former times, certainly, and I suppose yet a good deal of that exists?—I have heard of it, of course, and I have no doubt there has been; but I think it is on the decrease.

1240. The ballot might have many disadvantages; but it would have that redeeming quality, would it not, that it would enable a man to vote without fear?—It would enable a man to vote in secret, probably.

1241. But without fear?—That I do not know; because I do not think, as I said before, there would be any great difficulty in ascertaining how he voted, and if it was a case of pressure; if, as you say, the master was anxious to press him, he would equally press him then, and get a promise from him that he would vote in a certain way.

1242. How would the master know which way he had voted?—By asking him afterwards, whether he had voted or not, and which way he had voted.

1243. How would he know?—He could not know anything except from his word. If he were a corrupt man, of course he could not tell whether he would speak the truth or not; but if a man took a bribe, the chances are that he might not be altogether so bad that he would not actually redeem his promise.

1244. You state that there are in all those towns a certain number of persons who are desirous to be bribed, and another set ready, no doubt, to bribe them, and they generally seem to get together at elections?—Yes.

1245. But is it your idea that, under the operation of the ballot, the same thing would occur exactly as occurs now?—Just the same.

1246. Do you think that bribes would be given without knowing what would be the result?—I think a bribe would be given in case a man got a *quid pro quo*.

Mr. *H. Bleckly.*
13 April 1869.

1247. Those bribes are generally offered at the moment of the contest, are they not?—Yes, and then that would stimulate men to do, and exert themselves to induce others to do, what was wanted.

1248. But there are several candidates sometimes in cases of contests; supposing that they all offered so much upon the result, what then?—I suppose that a man would have a preference, perhaps, for one or the other, because he got more, or something of that kind, if he were a bribeable man; I am assuming a man of a mercenary and corrupt disposition, who is quite willing to sell himself to the highest bidder.

1249. Do you think that any man would do that twice, who had offered to pay according to the result, and had been defeated; would he not cease to rely upon that mode of gaining the election?—He would not pay it if he were defeated.

1250. But he would not rely upon that mode as a means of getting the election?—I do not think you will ever get rid of that evil, which resides in the cupidity of some men, and in the desire of other people to possess power, which they will get either by fair means or foul.

1251. Practically, would not the ballot defeat that, from people not being able to do what they are inclined to do?—I do not think it would; I think if you pay a man upon success, and do not if you do not succeed, you put as much stimulus upon him as you possibly can, and you would find it answer the purpose.

1252. But where there is one seat or two seats and there are several candidates, everybody cannot succeed?—That is true.

1253. What does the disappointed man do the next time; does he offer again to pay the voters according to the results?—No doubt he would; he not having paid at all if he was defeated.

1254. How could he rely upon that system to succeed?—He would rely upon a system which takes hold of a certain mercenary and corrupt element, and that mercenary and corrupt element has to be dealt with, and he deals with it by telling it that if it will throw its weight into the scale he will gratify it, and I think that that mercenary and corrupt element would do so for the purpose of obtaining what it wanted.

1255. I am assuming that it did not succeed in a particular case, but he would not be the less liable to the law which he openly violates in that way?—No; but it would be more difficult to trace the action of anybody under those circumstances, as you shroud it in darkness.

1256. Must there not be a great deal of confidence on the part of a great many people to rely upon a man's promise that he will bribe them all if he succeeds?—There must be mutual reliance to make the bargain a hopeful one; they would probably rely upon it as the best means of obtaining what they wanted and to preserve the trade.

1257. Would not there be great notoriety attending this system; if a man said that he would pay a certain sum if he was elected, would not there be much talk about it afterwards?—I have no doubt that if a man acted discreetly, as we know has been done, he might succeed in shrouding it to a very great extent from public observation.

1258. You do not think there would be any talk about it by the disappointed candidate?—That depends upon the skill with which it is done; no doubt there might be as there is now.

1259. In the case of any man who made that offer or that promise, if it was traced that he promised to bribe all those electors he would be liable to the law, and if there was anybody interested in putting it in action he would suffer the penalties of the law, would he not?—Yes; but you assume that there might be a large number of electors, but supposing that a man might secure 10 or 12 electors and they turned the election, those 10 or 12 electors could be dealt with in this way without any of it being found out, probably.

1260. It would be notorious, would it not, that those 10 or 12 had so acted?—It might.

1261. And people would suspect that they had been so dealt with?—But they would not have the means of knowing that they had been so dealt with, excepting the general suspicion that they were open to influences of an improper character.

1262. Are not many people rather anxious that those who have not yielded to this influence should be protected?—Probably that might be so.

1263. And it would be very soon detected if anything of the sort were attempted?—I doubt very much whether it would be detected except by ascertaining how they voted.

1264. Mr. *William Henry Smith.*] You suggested that nomination papers should be sent in for the purposes of Parliamentary elections; how would you arrange for the demand of the poll; at the present time it is open to a candidate to withdraw, unless he is prepared to incur the expense of the poll?—If certain persons were proposed and, up to the time when the returning officer should make his declaration, they did not withdraw, they would then be liable just as they are now; they would go to the poll then, and any expenses which would be incurred they would be charged with.

1265. Then you would require the consent of the candidate to the nomination, in the first instance?—Certainly.

1266. That is not necessary now, I believe?—No, I believe not.

1267. And it is not necessary with regard to municipal elections?—It is not.

1268. The expense in the case of a contest with regard to municipal elections falls upon the town, does it not?—Yes, unless the candidate chooses to incur more expenses, which he then takes upon himself.

1269. What are called the legal expenses fall upon the town, and not upon the candidate, do they not?—He need not incur any expense at all; he simply stands by.

1270. There are certain necessary expenses for taking the poll, are there not, which fall now in municipal elections upon the town?—I do not exactly know what those are.

1271. The poll clerk, for instance, and such other charges as are necessary for the taking of the poll, fall, with regard to municipal elections, upon the town or the municipality; and with regard to Parliamentary elections, upon the candidate?—They fall upon the candidate, no doubt. In municipal elections the presiding officer is an alderman, who, of course, is paid nothing; that is to say, the candidates themselves provide clerks to record the votes, as well as the municipal officer.

1272. The check clerks, in fact?—Yes; and it is generally done at the public office of the corporation; either the Town-hall or in some building

building over which the corporation have control; and therefore there is no expense of that kind to the candidate.

1273. Then, as regards a Parliamentary election, it would be necesary that the candidate should first of all signify his consent at the nomination, and should enter into some bond to pay the expense of the contest?—Yes, that would be necessary.

1274. Mr. *Edward Egerton.*] I understand you to suggest, for the consideration of the Committee, that in cases of Parliamentary elections there should be some officer, as there is in the case of municipal elections, for the purpose of seeing that the votes are properly taken?—There should.

1275. Then, would that have rectified the mistake which took place in the Warrington case, with regard to those votes which we have heard were not tendered, where the voters merely delivered a card across a table, which you know is not voting?—In a municipal election the same thing might take place; but there a man presents a paper to the presiding alderman, and he asks him *vivâ voce* whether he votes for A or B.

1276. Then you would make it the duty of the officer who had to preside there that he should ask every voter how he voted?—Yes; he should ask him *vivâ voce* do you vote for A or B?

1277. Is it not the case that there is generally some friend of each of the candidates who looks after their interest upon that occasion?—Yes, there is generally.

1278. How was it that upon this occasion there was nobody present on behalf of either of those candidates?—There was a person present on behalf of each of the candidates; but they each of them considered it enough to do that which they were asked to do, to write down how the persons voted; and they were satisfied when a man handed over his card.

1279. Did they see those men merely tender their cards, without saying anything; and did they imagine that they had voted?—They did; but then, as there had been no statutable form prescribed, and as the man enters a public office, and as the public have not provided anything to check his ignorance, it seems rather hard that the whole penalty should lie upon the voter, and that there should be no duty incumbent upon the public; that the duty of the public is merely to provide a room, and say to a man, "Go in, and do what is necessary," without saying what is necessary. It seems rather a hardship, when you have opened the door to a large number of the working class of people to give their votes, that you should leave them in the lurch when the opportunity comes that they should give their votes.

1280. Is it not the fact that this mistake was not discovered till the following morning when the votes were all cast up by the returning officer?—It happened to be discovered that night, but it was contrary to law for them to have opened the books then; but in that respect there seems a slackness on the part of the law in providing a proper check.

1281. But the impression prevailed, did it not, for several hours, that Mr. Greenall was returned as the Member?—Yes, it did.

1282. What was the difference in the votes, do you remember?—I think he was defeated by about 27, and the apparent majority that he had was something like 40.

1283. I think you told us that you are a very considerable employer of labour; have you had an opportunity of knowing the opinions generally of your workmen?—I come daily in contact with them.

1284. Have you heard them state their feelings and say that they are anxious for the ballot?—I have not.

1285. Is the general opinion in Lancashire that they are growing so very favourable to the ballot?—My impression would be not.

1286. At the last election for Lancashire, did it turn very much upon the question of the ballot?—I do not think it did at all.

1287. Was it ever mentioned?—I think not; we never had any discussion about it that I know of.

1288. Mr. *Locke.*] In polling, are not two questions asked by the poll clerk at the Parliamentary elections, first, "What is your name?" Is not it the duty of the poll clerk to ask that question?—I am not quite sure whether it is or not, but at any rate in this case it was not done.

1289. And then the next question is, "For whom did you vote"?—I do not think that those are required in the Act of Parliament.

1290. It is not at all required, is it, that the voter should have any card at all?—It is not.

1291. The system of using cards is merely adopted by the candidates for the convenience of their supporters?—Yes; but it is a most convenient thing, because in an extensive register a man appears, and if he brought no card with him, the authorities would have a right to say to him, "What is your number?"

1292. Does not it sometimes occur that the poll clerk will not receive the vote unless the man does produce a card?—I have not known it so.

1293. It is grown now into a system, is it not, for the voter always to produce a card, and the poll clerk, as a matter of course, looks at the card before he goes on to take his name down?—Yes, he looks at the number on the register, and upon the card is the same number as there is upon the register, and it enables him to refer to the register and strike out the man's name as having tendered his vote.

1294. Of course the production of a card which always has the number upon it, enables the poll clerk at once to find out what the man's name is?—That is so.

1295. But, whether or not, it is absolutely necessary for him to ask those questions, "What is your name?" and "For whom did you vote?" You think it is not?—I can only say that, in voting myself at the time of the election, they did not ask me that question.

1296. Then there are two other questions, "Are you the same person whose name appears as A B on the register of voters now in force for the county of So-and-so, or for the city, as the case may be"?—I think those questions are questions which may be put, but it is not obligatory upon the poll clerk to put them.

1297. And also, "Have you already voted either here or elsewhere at this election"?—That question can be put upon the requisition of any person who is there.

1298. That is put throughout the election?—That is so.

1299. But you do not know whether in this

Mr. *H. Bleckly.*

13 April 1869.

case those questions were put?—I believe none of them were put upon this occasion.

1300. Not any question at all?—None whatever.

1301. Not the question, "For whom do you vote?"—No; not in the case of this particular petitioner.

1302. And you would suggest that it should be compulsory upon the poll clerk to ask some such question as that of the voter?—I would; and moreover than that, that he should be compelled to produce a card, and that that card should be filed just the same as a banker files cheques that are presented to him over his counter, and that this card should then be compared by some independent person with the poll-book, so that it might be seen that the poll-clerk has not tampered with the votes at all.

1303. You have been asked whether you have paid any attention, or read any pamphlets, on the subject of the ballot; have you ever read a speech that was made by Mr. Childers, some few years back, in the House of Commons, describing the mode of election in Australia?—I do not recollect reading it.

1304. Has not that been sent to you as a pamphlet?—I dare say it may have been, but I do not read gratuitously-distributed pamphlets as a matter of choice.

1305. With reference to the check clerks, you say that the check clerks, upon this occasion, took no notice of the irregularity that was going on?—They did not know that there was any irregularity. They did not know that this man did not write down the name, or that it would be irregular for him to put the card in his pocket, and enter it afterwards after the voter had left.

1306. They were a very extraordinary sort of check clerks, were they not, if they did not know what ought to be done at all at the election?—Yes, they were, no doubt.

1307. The poll clerks, the check clerks, and the deputy returning officer, were all persons absolutely ignorant of the duties which they had to perform?—I think the facts prove that they were so.

1308. It would be hardly possible, would it, for any Act of Parliament to provide against such persons as that without punishing the returning officer himself for appointing them?—I think that if such officers were appointed either by the town clerk, or by the clerk of the peace, who are officers of the Court of Queen's Bench generally, and if those appointments were made a week or a month beforehand, and were advertised, and if those persons might be objected to; if such a thing as that were done, it would prevent anything of the kind occurring again. And moreover, the Act of Parliament limits the payment to the deputy returning officer to two guineas; and for that sum you will not get a professional man of any standing to do the duty, and you will find a very great number of inferior persons exceedingly glad to get the two guineas; and the temptation is for the sake of getting the two guineas to put in men not by any means qualified to do the work.

1309. As I understand you, the fault lies with the returning officer?—The returning officer had the appointment, but in this particular case the returning officer only came into office a very few days before the election, and therefore he had not had an opportunity of making such inquiries respecting the poll clerks as might be necessary, and, in fact, one whom he had appointed was taken ill, and not able to come as agreed to.

1310. In point of fact this was a very special case, was it not?—It was a special case.

1311. You never knew anything of that sort occur before?—No; only it shows where the system is vulnerable, and hereafter it may be that this, which is an accident on this occasion, may become systematic unless Parliament interferes.

1312. Mr. *Graves.*] Do you happen to know the number of voters on the Parliamentary list, and also on the municipal list at Warrington?—The number of voters on the Parliamentary list, I think, was between 4,000 and 5,000, and on the municipal register somewhere about the same, I think, but I am not quite sure now.

1313. Have you known many instances of the personation of voters at the Parliamentary elections?—Not many; there have been some alleged, I believe, but I do not think there have been any proved.

1314. There has been no conviction of personation within your knowledge?—No.

1315. Does that arise from want of proof, or from the machinery of the Act being so cumbrous in Parliamentary elections?—I hardly know how to answer that question.

1316. Am I correct in supposing that it is your belief and opinion that if voters were corruptly inclined there is greater inducement, under a secret mode of voting than under a public mode of voting, to corrupt those voters?—I think so.

1317. Mr. *James.*] You are anxious that there should be protection against the possibility of the poll clerk tampering with the taking of the poll; have you known any instance occur where there has been ever a suspicion even of the poll clerk tampering with the poll?—I do not remember.

1318. In this case it is not suggested that the mistake arose from any *mala fides*, but from want of competence in the poll clerk?—There is no imputation of *mala fides* upon the poll clerk, but it was a want of competence.

1319. You suggest that if the ballot existed there would be bribery by means of promises dependent upon success?—Yes.

1320. What guarantee would the voter have that the promise of the bribe would be kept?—A general reliance upon the person who made the promise.

1321. To have that reliance he must know the person, and know that he was trustworthy, must he not?—No doubt the candidate would employ a person whom he did know; such a person would be likely to influence the voter, and to deal with him confidentially.

1322. And upon whose word the voter would rely?—No doubt.

1323. Do you think you would find a trustworthy person, a person so respectable that the voter would rely upon him?—I do not think there would be any difficulty; I say that a man would be sufficiently trusted to induce a certain number of persons within his range of influence; he might only have six persons that he could influence, but that he could get six persons by promising them something dependent upon success.

1324. Probably he would have to employ several bribers instead of one; now who could pay the money at the time of the bribe?—I am not acquainted with the mode in which bribery is carried

carried on now; I do not know whether they employ one or more persons, or any number.

1325. What guarantee has the person who pays the money, that the voter whom he pays will vote for him?—You simply make it the man's interest to do so, and by making it his interest you secure his efforts.

1326. Then take the case of the voter; what guarantee has the person who pays the money that the voter has voted for him?—He would have no other guarantee than that he has succeeded in getting that which he wanted to get; and he may credit the elector with having done what he promised to do.

1327. And which he may not have done?—Yes.

1328. Take the case of two candidates, and that both of them promised a hundred men 5 *l.* a piece if they succeeded, the voter will promise both, and whichever succeeds, he will go to him and say, "I voted for you," when he really has not, and therefore the successful candidate will be paying a person who has not voted for him?—Yes.

1329. Would not that be the purchase of the whole borough?—I am not assuming that this would extend throughout the borough. I am assuming that there are only a certain number of bribable persons, and that certain number may be sufficient to turn the election, and that they may be induced to accept bribes under such promises.

1330. A dishonest person, who is bribable, would promise both, and in any event get money from the person wo succeeded whether he voted for him or not?—Yes, there might be a number who would do that.

1331. Would there not be an increased risk to the person bribing in the event of detection from his making the promise, and also making the payment?—I think not, because the promise may be made to depend upon a certain event in the future.

1332. That would be an offence as it is now?—Yes, it would be an offence.

1333. Then he would have to pay after the election, and that would be another offence?—Yes.

1334. Would not there be double risk of detection?—I think not; you can only present a petition to Parliament against a member's return within 21 days of the election.

1335. Do you not know that you can present it now within 28 days after the fact of payment?—I am not aware of that.

1336. If he pays three years after the election, within 28 days of the act of payment, a petition may be presented?—I am not aware that that would make much difference.

1337. It might make some difference?—Yes, it might make some.

1338. Mr. *Dalglish.*] Do you suggest that each voter should be provided with a ticket?—I do.

1339. Who would provide the voters with tickets?—The candidates.

1340. Supposing there are two candidates, A and B, and the voter, a rather ignorant man, intends to vote for B, he goes up with his ticket, and the ticket is deposited, and he believes he gives his vote for B, how would you check the poll?—He would be asked by the poll clerk, or by the deputy returning officer whether he voted for A or B, according to the card he produced.

1341. Supposing he produced a card for B, and said he voted for A, how would you set that right?—The poll clerk would send him back again to get a card for A.

1342. If the poll clerk takes the card, and he asks the man how he votes, and he does not look particularly at the card, and if he votes for A, giving the B card, do you propose that this card should check the poll book?—I do.

1343. How would that be a check?—If the poll clerk took the card for A and recorded the vote for B, of course they would not check one another, but then I should object to the poll clerk doing that. If it was obligatory upon him to have a card, corresponding with the vote which the man gave up, that would be a thing which could be openly and publicly checked.

1344. Supposing there was no mistake in the card, would not the giving him a card entail double duty upon the poll clerk?—There is no objection to it; it mostly happens that the poll clerk has a good deal of spare time at the latter end of the day of the election.

1345. But in the middle of the day, would it not be double duty?—There is no need for it to be; if you only get 500 persons at each booth, there could be no great difficulty in recording 500 votes during the day.

1346. Mr. *Leatham.*] Did you take an active part in the last election at Warrington?—I did not take a very active part in the election, having been mayor up to the end of the municipal year; I had not taken any part in the election, as the period was so short; I did not think it desirable that I should do so.

1347. Or subsequently, with regard to the petition?—No.

1348. Are you not aware that intimidation was one of the things charged by the petitioners?—I daresay it might; but I fancy that those petitions are got up rather in general terms, and things are included that may turn up afterwards without any definite facts being before the person who draws the petition.

1349. When was the last contest before this for the borough?—I should think 15 years ago at least.

1350. Can you remember the exact year?—I cannot.

1351. Was it in 1857?—No, it was before that; I think it was nearly 20 years since.

1352. You spoke of most of the keepers of the public-houses having voted for Mr. Greenall?—I think so; I should say the majority of them.

1353. Would it be a large majority of them?—Yes, I should think so.

1354. Who is the great brewer in Warrington?—There are two large brewers; one is Greenall & Co., and the other is Walker & Co.

1355. You do not connect the fact of Messrs. Greenall & Co. being large brewers in Warrington, with the fact of so many public-houses voting for Mr. Greenall?—I have no doubt that the persons who live in those houses find him a very good landlord, and on that account would all be very likely to record their votes in his favour, he being a man of moderate politics.

1356. Mr. *Brand.*] How many voters are there in the Parliamentary borough of Warrington?—Somewhere between 4,000 and 5,000.

1357. Do you think that that corresponds exactly

Mr. *H. Bleckly.*

13 April 1869.

exactly with the number of municipal voters?—I could not say that exactly, because I have not looked at the figures; but I should suppose that it would be somewhere thereabouts.

1358. Are the population of Warrington generally skilled artizans?—There are a large number of artizans.

1359. A well-to-do class, in fact?—Yes.

1360. And not a dependent class?—I do not know how to answer that question exactly.

1361. What rate of wages do they get?—They get good wages.

1362. Could you state the rate of wages given?—I do not know; our men on the average will certainly earn more than a pound a week.

1363. Generally speaking, are the working men in Warrington receiving good wages?—They are receiving fair wages.

1364. There are not many dependent voters in that borough?—I hardly know what you mean by dependent; they are not in such a sense dependent that they would do what would be discreditable for them to do at the wish of anybody.

1365. What proportion do you suppose are bribable?—I should think only a very small proportion.

1366. Would you say one-tenth?—It is difficult to say; but I should think that you would find that there would be at least one-tenth of them that are bribable.

1367. Mr. *Locke.*] Are you at all aware of the expense in your constituency that would be imposed upon a candidate if he were obliged to send out a card to each voter; have you ever calculated that?—No, I have not; but I was going to say that I think the machinery of the election, that is so far as the polling-booths, the clerks, and the mere machinery by which the votes are taken are concerned, ought to be borne by the public; it is just the same as the courts of law, which are built for suitors, and the public should provide proper definite accommodation for taking the votes.

1368. Supposing you sent that card by post in a constituency of upwards of 17,000, are you aware that that would cost 73 *l.*?—Yes; I am aware that it comes to a large sum.

1369. Then there would be the printing of the cards, and folding it up, and the number of people employed in doing it; could the candidate get off for less than 200 *l.* for doing it?—I am not aware of the exact figure, but then I would relieve him of a certain portion of the other expense which now falls upon him.

1370. Mr. *Cross.*] Do you believe that at the last election there was, either on behalf of one party or of the other, any bribery, or treating, or opening of public-houses?—I do not believe that on the part of the main actors in the election, or with their consent, there was any such thing.

1371. Neither bribery, nor treating, nor opening of public-houses?—No, not on the part of those who had direct influence and responsibility with reference to the election.

1372. Mr. *Bright.*] If there was such an allegation made in the petition which has been referred to this Committee, that allegation is, in your opinion, false?—I certainly should not be justified myself in saying that it was false; but I should say that my own opinion is to the contrary. There might have been something within the knowledge of the person who drew that petition, but to my own knowledge I do not believe that there was anything of the kind.

1373. Mr. *Villiers.*] Did anything of that kind come before the judge?—No, nothing.

1374. Mr. *Staveley Hill.*] Was there any proposal made to proceed upon that allegation of corrupt practices as far as you know?—There was a statement made that a Commission was to be applied for, but it was evidently a mere *brutum fulmen* not intended to be carried out.

1375. Mr. *Cross.*] It is perfectly well known, is it not, that the modes of voting in Parliamentary, and in municipal, and in board of guardian elections are all three different?—They are all different.

1376. In the municipal election they vote by voting papers personally delivered?—Yes.

1377. Do you not think that the fact of those people having been in the habit of voting at the municipal elections under the old franchise rather tended to this mistake at Warrington with reference to presenting their cards and then considering that they had voted?—I think it did.

Mr. Alderman Robert Addyman, called in; and Examined.

Mr. Alderman *R. Addyman.*

1378. *Chairman.*] Do you hold any office in the Borough of Leeds?—I am an Alderman of the Borough of Leeds.

1379. Have you filled that office for some time?—No, only since last November when I was elected an Alderman; I had been previously eight or nine years in the Council.

1380. Can you tell the Committee the number of wards in the borough?—Twelve.

1381. And the number of voters?—I think about 40,000 municipal and Parliamentary; they are just about the same number now.

1382. What is the number of councillors and aldermen?—There are 64 aldermen and councillors; 48 councillors and 16 aldermen.

1383. How many are elected at each election?—There is one-third of the councillors elected every year with the exception of the aldermen, who are elected one-half of them every three years; eight go out every three years and the other eight elected.

1384. Is it within your knowledge whether corrupt practices prevail to any extent in the Borough of Leeds at the municipal elections?—I am sorry to say that they have prevailed within my knowledge.

1385. Do they prevail now?—They did at the last election.

1386. Of what nature were those corrupt practices?—In the nature of treating, and bribing with money also.

1387. Was there any intimidation?—There was intimidation to some extent, I have no doubt, but I do not think it prevailed very extensively.

1388. Treating and bribery you consider the chief evils?—I do.

1389. Are those facts notorious, or have you any special knowledge of them?—They are very notorious throughout the borough, because they have been practised so openly.

1390. Do they prevail in each ward or are they more prevalent in some than in others?—They only prevail in certain wards. There are some

wards, I believe, quite free from corruption, or at all events they are reputed to be so.

1391. Has any attempt been made to check those practices?—Yes, we have made an attempt as private individuals. The first attempt was made by the Reform Registration Association. Bribery and corruption existed to so great an extent that it became a public scandal almost, and we felt that we ought to purge ourselves of the evil, and if possible to blot it out; and the first effort was made by the members of the Reform Registration Association.

1392. When?—In the year 1865. At that time we obtained a conviction against a member of our body, a councillor. We took him to the county court, and we had him convicted in a penalty of 40 *s.*; and we were under the impression at that time that he would be disqualified to sit at the council afterwards, at all events for six years; but we found ourselves very much mistaken, for he simply paid his fine and took his place as usual amongst us, and he is there now.

1393. But does not the law enact that, on conviction, he should not do so?—We thought the law did; but when we took a legal opinion, through our town clerk, we found that the law was practically inoperative there; and that, although we had obtained a conviction in the county court, the man could still sit as a member of the corporation.

1394. Was that the end of it?—That was the end of it.

1395. Has any subsequent attempt been made to unseat him?—No, but afterwards instead of checking bribery and corruption, this man's triumph over those who had tried to convict him and turn him out of the corporation, I think, had a tendency rather to increase the evil, and it again became so notorious, that, in 1866, Mr. Alderman Carter, one of the respected Members for Leeds, moved in the council that a committee be appointed to inquire into the corrupt practices said to exist at that time. A committee was appointed, and I have handed to the noble Chairman the result of the investigations of that committee. Of course the evidence which we have there is of a very slender character, because the evidence was voluntary. We advertised through local papers for persons to come and volunteer any evidence they could afford as to the corrupt practices that were said to exist.

1396. Can you state shortly what was the character of the evidence which you collected?—The character of the evidence which we collected was that a certain amount per head had been paid for votes, and that public houses had been opened, and drinking had gone on to a very great extent.

1397. What was the result of the appointment of that committee?—The result was that, after we had completed our labours, we were about to present a report to the council, and ask to have the evidence printed and circulated throughout the borough; as chairman of that committee, I was served with a notice from a solicitor of some eminence in our own, stating that if I brought that evidence before the council, and made it public in any way, I should be liable to an action for libel, and proceedings would be at once taken against me. I consulted the committee afterwards, and we consulted our town clerk, and we thought, that as the law was likely to be put in force, we had better not publish the evidence, but let the matter drop where it was. I must confess that if I had had my own way I should have published it at all risks.

1398. Did you make any report to the council?—We did not. The evidence that you have on your table was read by many members of the council; that was the only mode they had of getting to know the result of our labours.

1399. Did you draw up a petition to the House of Commons?—We did.

1400. That petition was not presented, I believe?—It was. You will find that petition which we drew up in the book that you have upon your table.

1401–2. That was the end of the second attempt?—Yes, that was the end of the second attempt.

1403. Within your recollection, there has been only one attempt to put the existing law in force?—There has been only one attempt.

1404. You sued for the penalty of 40 *s.* against a member of the town council?—We took this member of our town council into the county court, believing that we should have a perfect remedy there; but the only thing we got was the conviction and the penalty of 40 *s.*, and he still retains his seat, very much to our annoyance.

1405. But could you not then have instituted a criminal prosecution against him?—So we could; but we found that the expenses were very great. We had already incurred a cost of, I think, some 200 *l.*, which was done by individual effort, and that was a thing which we did not like to repeat very often in consequence of the cost.

1406. Mr. *Bright.*] How did it cost you 200 *l.* for taking the man into the county court?—It cost us 200 *l.* in this way: we had a good deal of trouble in collecting evidence, and we had to employ legal gentlemen of undoubted standing, and their bill was something very terrific.

1407. Do you recommend any alteration in the law?—I should like to see an alteration in the law if it would prevent bribery and corruption.

1408. But does your experience lead you to think that it is difficult, or almost impossible, to put the law as it stands into operation for the purpose of checking bribery?—I think that it is so.

1409. Have you considered what alteration would make the law effective?—Yes; I have thought that if men could record their votes privately, or by ballot if you like, that might be a check to bribery and corruption.

1410. But have you considered whether any alteration in the law for the punishment of bribery at those elections would be effective?—I think that the punishment ought to be three months if you like, in the House of Correction, instead of a 40 *s.* fine. I think that that would be more effective than a fine: a fine means nothing.

1411. Could any system be devised by which it would be less difficult and expensive to institute prosecutions for bribery?—That I am not aware of. If we put the law into operation at all, we find it very expensive to work in the way we went about it.

1412. In your opinion, does the system of secret voting offer the only probability of any remedy for this state of things?—I think so; I should recommend making bribery or corruption

Mr. Alderman *R. Addyman.*

13 April 1869.

of any kind penal, making it beyond a fine, making it so that a man dare not risk it.

1413. But would anyone be found at this heavy expense to put the law in operation, if the consequences were more serious to the offender on conviction?—I suppose that the matter of expense would be a consideration then as it has been previously. If the law could be simplified, making the process less costly, I think it would be put in operation more frequently.

1414. Was it because the result was unsatisfactory, or because the expense was so heavy, that no subsequent attempt has been made to put the present law into force?—I think both. The results were unsatisfactory, and we found that the expenses were heavy, and therefore both considerations operated upon our minds.

1415. In what way was the result unsatisfactory?—Because we did not purge ourselves of the member of our body who had been guilty of the act of bribery after we had proved it.

1416. Would not further proceedings have enabled you to purge yourselves of that member?—Yes.

1417. Why were those further proceedings not taken?—In consequence of the cost.

1418. Are the elections conducted tranquilly at Leeds?—Upon the whole they are, but sometimes there are disturbances; an extra body of police have had to be called out to preserve order.

1419. Is that in consequence of the treating which prevails?—No doubt of it.

1420. Are you in favour of closing the public-houses on the election day?—If necessary, I would not have any public-house influence at all.

1421. Do you think that the public opinion in Leeds would be in favour of such closing?—I do.

1422. Have you any objection to applying the present system of voting at the municipal elections by means of voting papers to the Parliamentary elections?—No, I do not know that I have any objection to voting papers as employed at present.

1423. The evidence which you collected has not shewn you that they are tampered with?—Not to any serious extent. I believe that they have occasionally been tampered with. For instance, a man has gone into a committee-room instead of going into the polling booth, and tendered his voting paper, and he has frequently had it altered and put into his hands again, and then gone into the polling booth and presented it, but his vote has had a very different result to what he intended it. There is no doubt that that has been done.

1424. Have you ever known vexatious nominations made?—Frequently.

1425. For what purpose?—I do not know, except that the publicans sometimes have made a nomination in order to get up excitement in the ward, so that they might benefit by the sale of their drink; that has been frequently done.

1426. Any voter can now send for a nomination paper, can he not, and nominate a candidate?—Any burgess can.

1427. Would you alter the law in that respect?—I do not know whether I should be prepared to alter it in that respect or not.

1428. Would you see any objection to making the consent of the candidate necessary?—I would make it with the consent of the candidate; I would not permit anybody to nominate a gentleman without his consent.

1429. Have you any other suggestion which you desire to make with regard to the municipal elections?—I do not know that I have.

1430. Without some change in the law, you have no hope of checking the present malpractices?—I have not.

1431. Although to a great extent in the borough of Leeds there is a strong desire on the part of the inhabitants that a check should be put to the present malpractices?—That desire exists very strongly on the part of every respectable man in the borough, whether of one political shade or the other; I think that both parties are equally anxious to blot out bribery and corruption, except those who benefit by it.

1432. Mr. *Gathorne Hardy.*] You say that some wards are free from corruption; are those the higher class of voters, or is it where the political feeling runs very much one way?—It is where the more respectable class of inhabitants reside; men who are above bribery and corruption.

1433. There is a good deal of party feeling in Leeds in the different wards, is there not?—Yes.

1434. How long ago is it since you had this prosecution?—It was in 1865.

1435. Then there has been no new election with respect to that member of the council of whom you spoke since that time?—Yes, I believe there has; he has been re-elected since that time.

1436. You say that it is very notorious that bribery has taken place at many of those elections?—Yes, it is.

1437. Do you find that the people who are known or suspected to be guilty, lose character at all in Leeds?—I think they have no character to lose in the first place.

1438. Do they lose position?—I do not think they do; they move in a certain class, and they seem to be held up amongst their own body rather than to suffer the loss of position.

1439. You have only had, as I understand, this one prosecution for corrupt practice, but you have had several prosecutions in Leeds, have you not, for other offences against the election laws; for personation, for instance?—Yes; I am aware that there have been prosecutions for personation; but I do not think that much good resulted from it.

1440. Were there not a great many prosecutions at one time connected with either municipal elections or the election of guardians?—Not many prosecutions I think, but there have been a good many inquiries.

1441. My impression was that there had been some prosecutions for personation before the Reform Bill?—There may have been, but I cannot speak of my own knowledge.

1442. You say that the papers of some voters have been altered, is that from their being unable to read and write, or from drunkenness, or what?—From their being unable to read and write I should think in most instances. A man goes into the wrong committee-room and presents his paper, it is then altered, and he goes and presents it.

1443. That might happen, might it not, in case he was going to be a Parliamentary voter if voting papers were used?—It might; it depends upon the machinery that is put in force.

1444. Mr. *William Henry Smith.*] Are you acquainted with the mode in which the elections for

for the boards of guardians are conducted?—I am, because I happen to be a member of the board of guardians myself.

1445. A constable, I believe, delivers the papers?—No, not necessarily a constable; certainly not.

1446. But does not a public officer do it?—Men are employed to deliver the papers and also to collect them, but they are not constables.

1447. Are you aware whether any irregularity whatever has occurred in connection with the election to boards of guardians under that system?—I know that some years ago irregularities have occurred.

1448. In the shape of bribery, or what?—No; by the papers being tampered with; for instance, the man who collects them, if he is a political partisan, could burn a lot of them and never deliver them at all.

1449. Mr. *Gathorne Hardy.*] There was a Poor Law inquiry at one time upon that very point, was there not?—I believe there was, but I do not recollect the circumstances of it.

1450. Mr. *Edward Egerton.*] I understood you to state that there is a strong feeling in Leeds upon the subject of this corruption?—So there is.

1451. How do you reconcile that with the fact of this gentleman, of whom you have spoken, being re-elected a member of the council?—Simply because a great number of the burgesses that he represents are as corrupt as ever, and he has used, no doubt, the same influences as those that put him in, in the first instance.

1452. Are you acquainted with the provisions of the Municipal Corporation Act with regard to proceedings for bribery?—Yes.

1453. Has it ever occurred to the town council to put them in force against anybody?—The town council were advised that, as a public body, they have no means by which they can enter proceedings against a member of their own body.

1454. They would prosecute cases against the law, would they not?—They have not done so, so far as bribery and corruption are concerned.

1455. In other cases they do, do they not?—In other cases I suppose they do; for instance, a man brought up for selling bad meat, or anything of that sort, or any contravention of the bye-laws of the council, they would prosecute.

1456. Have they not a prosecution officer?—They have not.

1457. You say that 200 *l.* was the amount of the expenses of this county court case; can you give us any idea of how that was got at?—Legal charges, I believe, formed the bulk of it.

1458. Are you speaking accurately now?—I am speaking as accurately as I can, because I had to pay my share of it, and therefore I have some knowledge of it.

1459. You state deliberately that 200 *l.* was the cost of one single county court suit?—To the best of my belief that was about the amount; of course I do not confine myself to the exact figures, but it is pretty near that sum; it may be a little over or a little under.

1460. Mr. *Locke.*] Could you have proceeded before the magistrates for that bribery?—No, we could not; we were told that we must either go before the county court judge or take it to a higher court.

1461. What do you mean by a higher court?—We could have taken it to the assizes, or perhaps the quarter sessions, and have gone in for a conviction of 50 *l.*; and if we had succeeded that man would have been disqualified for six years; and, in fact, he would have been politically dead for that period.

1462. Then you might have proceeded against him for bribery in the Criminal Court?—We might; we had the option of two courses, and we took what we believed to be the least expensive, and it proved inoperative.

1463. And the most expensive also?—I do not know; we did not try the other court; it might have been more expensive.

1464. It is the 11th section, is it not, of the 22 Vict. c. 35, which provides that "if any person at any election for mayor, councillor, auditor, or assessor in a borough shall be guilty of bribery, he shall for every such offence forfeit the sum of 40 *s.* to any person who shall sue for the same in the county court, with the full costs of the suit"?—That is so.

1465. And that does not provide for any other remedy than the county court?—No, it does not; and the only penalty attached is the fine; there is no subsequent penalty; no disqualification; at least we found it so in our case.

1466. Mr. *Cross.*] You say that you would not have any person nominated without his consent for the office of town councillor; but are you not aware that under the Municipal Act a man, if he is elected, is bound to serve?—Yes, I am quite aware of that; or he must pay a fine.

1467. You would not like to do away with that, would you?—Yes, I should; I do not see why a man should be nominated against his will, and create turmoil in a ward when he is not anxious to do so.

1468. You do not see any reason why you should keep up the fine if a man refuses to serve if he is elected?—No, I do not think there is any reason for it; we have always plenty of gentlemen to serve, if they could go in honestly and fairly, without resorting to the present corrupt practices.

1469. Mr. *Graves.*] Do you consider that corrupt practices were more general at the last election than at previous ones?—They were more glaring at the last election; more apparent, at all events.

1470. Is it your opinion that corrupt practices have increased with the extension of the franchise?—I am not prepared to say that; the municipal election just took place before the Parliamentary election; therefore it could not have increased in consequence of that.

1471. You have given it, I think, as your opinion that the ballot would to some extent check those corrupt practices; will you give to the Committee the benefit of your reasons for that statement?—I think if a man could record his vote honestly and conscientiously without its being known how he voted, it would be no use bribing that man at all.

1472. Has it occurred to you that if he was corruptly inclined he would under the secret voting system have two opportunities in place of one?—Yes; perhaps the man who voted might have two opportunities, but I think the man who gave the bribe under such circumstances would be extremely foolish, because he could not tell how it would operate, whether for or against him.

1473. Does intimidation extensively prevail in Leeds?—I am not aware of my own knowledge that it does. I know that some little pressure is occasionally put on, but not extensively so.

Mr. Alderman *R. Addyman.*

13 April 1869.

1474. From what you know of the working classes of Leeds, do you consider that an attempt at intimidation on the part of an employer would be more likely to conduce to resistance to the wishes of the employer, or to the agreeing with him?—In some instances I believe it would have a contrary effect to what the employer intended; it would operate against him.

1475. Mr. *Fawcett.*] You spoke just now of fictitious nominations; do you think that that would be prevented by subjecting the parties who were responsible for them to a pecuniary fine?—I think they would be more careful about doing it.

1476. Has it occurred to you that the proper fine to impose upon them would be to render them responsible for some share of the expenses, when they got up a fictitious contest?—I think if the expenses did fall upon them we should have very few fictitious nominations.

1477. Mr. *Dalglish.*] Did the councillor who was convicted and fined 40 *s.*, pay the cost of the suit?—He paid his own costs, but not ours; he simply paid the costs of the court.

1478. Mr. *Edward Egerton.*] You are aware, are you not, that the Act of Parliament says that the costs of suit are to follow the event?—Yes; but we had incurred a great many costs which we could not recover in the county court.

1479. Mr. *Locke.*] He paid the taxed costs?—Yes.

1480. Sir *Michael Hicks Beach.*] To what reasons do you attribute the corruption in the municipal elections at Leeds?—That is a difficult question to answer. I think some men desire to have power and influence who can only get it by that mode; they have not moral influence enough to get it without resorting to their pockets.

1481. Are they men in a low position that are anxious to get into the municipal council?—Not generally; but some are in good positions, but without standing as men of the highest character; and I think they want to get into the council to mend their position and influence.

1482. Have politics anything to do with the municipal elections at Leeds?—Yes, beyond all doubt.

1483. Do they vote as Conservatives and Liberals for one candidate or the other?—They do not in all cases; but all the contests have a political complexion one way or the other; they are generally Whig and Tory against each other.

1484. They do not elect a man simply because he would be a useful town councillor, but because he is a Conservative or Liberal, is that so?—They, perhaps, take both things into account; they take his political views, and also his moral worth, and whether they think that he will be useful.

1485. Is that the case in all the wards?—No, I am sorry to say it is not.

1486. In those wards where corruption is prevalent, is it the case that politics are more taken into account than in those where it is not?—It is a political contest purely where corruption takes place; one party buys against the other.

1487. Then I suppose they buy with an ultimate view to the Parliamentary election?—I do not know that they do that. I should think it is only for the immediate advantage of getting into the corporation.

1488. Has the preponderance of the one party or the other in the corporation anything to do with the Parliamentary elections?—It may influence them to some extent. Our corporation is decidedly a Liberal corporation. I am speaking now politically.

1489. Do you attribute the corruption in the municipal elections at Leeds at all to the fact that politics have something to do with it?—In some measure, no doubt.

1490. But not altogether?—I do not think so, altogether.

1491. Sir *George Grey.*] You stated that the last municipal election coming immediately before the Parliamentary election made it a more important one than usual; did you mean that there was more bribery at the last municipal election because the Parliamentary election followed?—No, I do not think so at all. I think the bribery that took place, took place simply because it was a municipal election, and not that the Parliamentary election was about to follow, because it so happens that the preponderance of thinkers one way in Leeds puts bribery out of the question altogether; it is no use bribing in Leeds for the Parliamentary elections.

1492. The bribery at the municipal had, in your opinion, no bearing directly or indirectly on the Parliamentary elections?—I should say not in Leeds.

1493. Have you considered the provision of the 22nd of Vict. c. 35, which has been referred to to-day with regard to prosecution?—Yes, I have.

1494. Are you aware that the conviction for the personation of voters, or for forging nomination or voting papers may be a summary one before two justices in petty sessions?—No, I was not aware of that.

1495. Will you look at the 9th and 10th clauses of that Act, which provide that in the case of a person being charged with personation, he may be convicted before two justices?—The clause runs thus: "If pending or after any election of councillors, auditors or assessors, any person shall personate or induce any other person to personate any person entitled to vote at such election, or whose name is on the burgess roll then in force, or falsely assume to act in the name, or on behalf of any person so entitled to vote, or wilfully make a false answer to any of the questions mentioned in section 18 of this Act, he shall for every such offence be liable, on conviction before two justices in petty sessions, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour."

1496. Do you think that if that provision were extended to bribery, facilities would be given for convicting persons guilty of bribery?—I do. It is my opinion that if that machinery could be put in motion *cheaply* it would do.

1497. Do you think that there would be much difficulty in obtaining evidence of bribery in Leeds and obtaining a conviction upon clear evidence before two or more local justices?—In our experience we find that there is a great deal of difficulty in obtaining evidence about bribery; the bribers do not like to commit themselves, nor do those who have received bribes; it takes a great deal of trouble arriving at it.

1498. Do you think that any alteration of the law would facilitate getting evidence?—I do not think any alteration of the law would; still we could get at the major part of the facts.

1499. Mr. *Bright.*] You recommend certain alterations

alterations in the present state of the law with regard to the punishment of those offences; would you rely entirely upon punishment, or have you any view with regard to prevention?—Prevention would be better than cure, and if you could surround the voter by such circumstances that he could record his vote freely, according to his own conscience, without fear of intimidation, I think that would be the best thing to do.

1500. I understood you to say that you had no objection to the mode of voting by papers, as in the case of your municipal elections; did you mean to say from that, that you thought that a better mode than the mode of the ballot?—No, not by any means; the ballot would be the best mode in my judgment.

1501. Have you had any opportunity of seeing anything of the mode of conducting election by ballot?—I have not.

1502. Is the opinion extensive, or general, or growing amongst the electors of your borough, so far as you know, in favour of an alteration in the mode of voting?—So far as I know, it is, decidedly.

1503. Have you had any opportunity of knowing whether amongst those who are your political opponents, and who generally have been deemed to be in favour of open voting, there has been any change of opinion?—I believe that amongst the respectable portion of them, they are so disgusted at the bribery and corruption which exists, that they are desirous that some alteration should be made; I have heard many of those who are politically opposed to me express their feeling that the ballot would be a good thing.

1504. During your recent Parliamentary contest, was the subject of the ballot one that was frequently discussed by the candidates at their meetings?—At every meeting that I attended, it certainly formed a part of the discussion that went on.

1505. But, with regard to the municipal elections, have you heard it spoken of as likely to be a remedy for any of the evils complained of?—Yes; I have heard it spoken of as one of the remedies that would be desirable.

1506. You know that the ballot has been generally considered rather as a political than a municipal question?—Yes, it has.

1507. Confining your answer to the case of municipal elections, do you think the opinion prevails that it would be advantageous in those as well as in Parliamentary elections?—I think it does prevail.

1508. Were you present at your last nomination at Leeds?—Yes, I was.

1509. Were there a great many people there?—I should think 30,000 or 40,000 people.

1510. Was it held on Woodhouse Moor?—It was.

1511. Did the candidates and their friends make long speeches?—No; we tied them down to a quarter of an hour each, or else they would have made long speeches, no doubt.

1512. Have your nominations generally been periods of great tranquillity when there was an opportunity for a full discussion of political questions?—I have never seen a disturbance at a Parliamentary nomination in our town, I am happy to say.

1513. There is a great space on Woodhouse Moor, is there not; there is room enough for all that come?—It is about 50 or 60 acres, I think.

1514. Is the meeting generally so tranquil that the candidates can be well heard?—They can be distinctly heard. There may be moments during the time that a gentleman is speaking when a little disturbance may take place; but as a rule they can be heard throughout the whole of the audience, I should think.

1515. Mr. *Gathorne Hardy.*] It is the only town almost in the West Riding, is it not, which has a quiet nomination?—I cannot speak for other towns. We do hear of disturbances elsewhere; but I am glad to say we can keep quiet.

1516. And it used to be so, did it not, when you used to meet in the Cloth Hall Yard?—Yes, ever since I have known it; there used sometimes to be a little tumult, but nothing of a malicious character.

1517. Mr. *Bright.*] Do the publicans exercise great influence in your municipal contests?—They do, unfortunately.

1518. Do they exercise an overwhelming influence in some of the wards?—I have no doubt that they do.

1519. And are many of them returned to the corporation?—Not many; I think we have two of that class amongst us now.

1520. Do you think that the closing of the public-houses during the day of the election, speaking of the municipal elections as well as the Parliamentary, would tend to promote purity and tranquillity of election?—I am certain of it.

1521. Setting aside the publicans, do you suppose that if Parliament were to entertain that question, it would generally meet with support from the population of your town?—I feel satisfied of it. I think every right-minded man would give it his hearty support. I do not speak now as a teetotaller, because I am not one.

1522. We know, of course, that in Leeds there are a great many persons who differ in their political views from you; but taking the whole of what are called the respectable classes of society, amongst the working men as well as others, do you believe that they would rather favour such a proposition as that?—I am sure they would; and amongst the working men especially (I speak it to their credit), it is only a small class that would be opposed to it; men who benefit by this drinking and corruption.

1523. Is there any mode now, by which your municipality can turn a man out of his seat for corruption or bribery, in the way that the House of Commons can get rid of a Member if he has been proved to be guilty of those offences?—There is no mode that I know of; we have tried to do it and failed signally.

1524. You have tried it by a lawsuit?—Yes, we have no other mode.

1525. The municipal council have no mode by which they can appoint a committee to try the case and expel a guilty member?—We have no power of that sort that I am aware of.

1526. Nothing analogous to the power of Parliament?—No, nothing of that kind.

1527. You would, therefore, as I understood you, recommend measures that would make the law more easy to be put in force for punishment, and at the same time you think that the adoption of the mode of secret voting would be very favourable to purity, both in the municipal and the Parliamentary elections; am I right in gathering that to be your evidence?—That is my opinion.

1528. *Chairman.*] Do I understand you to say

Mr. Alderman *R. Addyman.* 13 April 1869.

you would desire that there should be some such power of presenting a petition to invalidate the return of a town councillor who had obtained his seat, by corrupt means as exist in the Parliamentary elections?—I think it is very desirable that there should be.

1529. Have you at all considered that part of the subject?—No, not specially.

1530. Before what tribunal would you have such a petition heard?—I would not mind if it were heard before two of the sitting borough justices. I think the clause pointed out by the right honourable Member seems to meet my views of the case. I think they would be most likely to judge impartially.

1531. Can you tell the Committee what sort of amount is generally paid at those contests?—I have heard it variously estimated from 100 *l.* to more than 1,000 *l.*

1532. Do you mean that that is the total cost to one side?—To one side.

1533. What has been the amount of the bribes that are given?—The bribes have varied from 1 *s.* up to 1 *l.*, or something more than that. Of course I only state this from hearsay. I do not know it of my own knowledge.

1534. But, I presume that you have read the evidence which was collected by your committee?—Yes.

1535. Mr. *Gathorne Hardy.*] With respect to nominations, would it be a popular thing, do you think, at Leeds to put an end to nominations at the Parliamentary elections?—Not to put an end to nominations, but to the present mode of nominating, I think it would, decidedly.

1536. You think that putting an end to public nomination would meet with approval?—Yes; and I think also the declaration of the poll seems an unnecessary thing, and I am not alone in that opinion.

1537. Sir *George Grey.*] Why should you desire the nomination day to be got rid of, if the proceedings are always peaceably conducted?—We certainly have had the notion that it is unnecessary; we enjoy tranquillity at it ourselves, but I do not think that, as a rule, it is a good thing; it is also expensive.

1538. Is there any desire at Leeds, as far as your own experience goes, to get rid of the nomination day?—Yes, I think there is; it stops all business for that day, and that is a very serious thing for a large town like ours; the working men lose a day's pay, and perhaps spend another day or two's pay in addition, therefore it is a serious thing for them.

1539. What would you substitute for it?—I think the same mode as nominating a member for the town council.

1540. What would you substitute for the show of hands, which is often decisive; suppose there is a show of hands, and the candidate against whom the show of hands is does not demand a poll, yielding to the expression of opinion on the part of the constituents, what would you substitute for that?—That is a thing which I have not thought of at all; if there were two candidates required, and there were only two nominated, that would do away with the necessity of the show of hands.

1541. Do you think that there is any advantage in candidates appearing before a constituency and stating their opinions?—We should take care that they appeared pretty frequently before us before the election, at a number of mixed meetings.

1542. Mr. *Cross.*] How could you get a mixed meeting; a man generally goes and makes a speech to his own party, and is it not thought rather an interruption if one of the opposite party comes to ask him questions at that meeting?—That depends upon the mode in which he comes; if a man comes as a gentleman he generally gets a civil answer, and we are glad to see him; but if he comes for the purpose of making a row, we deal with him as others would, I suppose.

1543. Do not you think it is necessary to have what are called open meetings, in order that a man may be cross-examined to any extent that a person likes?—We have in the Cloth Hall Yard, long before the nomination takes place, open meetings, and we invite the attendance of everybody there.

1544. Mr. *Locke.*] Do you mean open-air meetings?—Yes.

1545. Mr. *Cross.*] Still the body of men round a candidate are men of his own opinions, are they not, as a rule?—It is the fault of the other party if they are not there; it is quite as free for them to be there as the others, and they frequently attend.

Mr. Edwin Gaunt, called in; and Examined.

Mr. *E. Gaunt.*

1546. *Chairman.*] Are you a town councillor of Leeds?—Yes, I am.

1547. Have you for some time held that office?—From eight to nine years.

1548. Have you heard the evidence just given by Mr. Addyman?—Yes, I have.

1549. Do you agree with him in what he said?—I agree with him in the main. There are some things which I do not entirely agree with.

1550. Do you agree as to the facts that he laid before the Committee?—Yes; I think, perhaps, he was wrong in one or two things. I think he was wrong, for instance, with regard to the cost; at least, I think the Committee has been misled as to what the cost of these county court prosecutions was. The cost was as great as he said it was, but I think the Committee fancied it was only one prosecution; but we had 20 cases, and we succeeded in one case, and then we did not think it worth while taking others, because they were only men of smaller note.

1551. Were you a member of this committee of the council which was appointed to investigate the subject?—Yes, I was.

1552. Do you think that the prosecution cost about 200 *l.*?—Yes, I think it would cost that.

1553. But that was for a great number of prosecutions?—Yes, for getting the evidence up for the whole of them.

1554. Can you explain to the Committee why no further step was taken after obtaining this penalty?—I think I can understand it perfectly; a person who is prepared to pay 500 *l.* to gain a seat, does not care much for 40 *s.*, and the very small cost in addition.

1555. Could you not under the Act have prosecuted that town councillor, and disqualified him for ever from serving in the council?—We were advised

advised by several parties that it would be the best plan to try the case under the recent Act; the 11th section of the Municipal Elections Act of 1859. We clearly understood that the latter portion of this section would apply, that "the name of the offender may be expunged from the list of voters being lawfully convicted thereof, shall for the term of six years be disabled to vote in any election in such borough, or in any municipal or Parliamentary election, whatever." We found on getting the verdict in the county court, and afterwards when it went to the Court of Queen's Bench, I think the judges in the Court of Queen's Bench decided, that this Act did not apply in such a case as that; I think as far as that was concerned we were saddled with the costs of that case.

1556. Did that case go before the Court of Queen's Bench?—Yes.

1557. Sir *George Grey.*] Was this the case which went before the Court of Queen's Bench, whether where you had recovered a penalty of 40 *s.* against a councillor in the county court that was to be followed by legal disqualification?—It was.

1558. And the Court of Queen's Bench held that in order to be legally disqualified he must be convicted on a criminal prosecution?—Yes, I believe that practically was the decision.

1559. Why did not you adopt criminal proceedings?—In the first place it cost some seven or eight of us a couple of hundred pounds; we did not want to incur the odium of prosecuting man after man in wards that we had nothing to do with, because they were not in our own wards at all; they were in separate wards from those which we represented, we did not want to incur the odium and the expense.

1560. *Chairman.*] Was there any other point in Mr. Addyman's evidence which you think requires any explanation, or with which you do not entirely agree?—There was just one point, I think, which he, perhaps, did not remember, with reference to the nominations in the Cloth Hall Yard. All our nominations, I think, except one, have been peaceable nominations; but I remember very distinctly, for it was the first nomination under the Act of 1832, when we had a very serious riot in the Cloth Hall Yard, and I think we ever afterwards held the nominations on Woodhouse Moor, where there is plenty of room.

1561. Is it your opinion that, under the Act as it now exists, no further prosecutions will be taken in Leeds to stop bribery at the municipal elections?—I do not think any further prosecutions will be taken under that Act; it is not worth while.

1562. Do you think if the Act were simplified prosecutions would be undertaken, or do you think that the odium and expense of collecting evidence were too great to incur, seeing that they had no power of preventing the evil when proceedings were taken?—I am satisfied that if it had answered its purpose of disfranchising some parties, they would have prosecuted many others, but it had not.

1563. Would you be satisfied to have those cases tried before the borough magistrates?—I would rather adopt another mode of voting myself.

1564. You would not trust to any amendment in the law for the punishment of bribery?—I should not. I think vote by ballot would be a better mode of voting, and would remedy it in a more speedy manner.

1565. Has that always been your opinion?—It has not always been my opinion.

1566. Since when have you formed that opinion?—For these last four or five years, perhaps.

1567. Has that change been on account of anything which you have seen at the municipal elections or at the Parliamentary elections?—Both on account of that and on account of reading the arguments on both sides.

1568. Do you think that the corruption at municipal elections has increased or diminished of late years?—I think in Leeds it has increased of late years in about three of the wards. I know the whole of the wards tolerably well, having been a voter in many of them, and I believe there are only three or four that are tainted with corruption.

1569. Do you believe that the Parliamentary election was pure?—Perfectly so, I believe; I believe none more so in England.

1570. They are in most cases identically the same voters, are they not?—Yes, they are in most cases.

1571. Can you account for the difference which exists?—I think I can account for it very well in my own mind; some of our largest wards, large working class wards are totally free from anything like corruption; for instance, the ward which I represent has from 6,000 to 7,000 voters, and I believe it is totally free from anything like payment on either side; and then the Hunslett Ward, which is another very large ward, has 7,000 voters in it, and that I believe is perfectly free, too.

1572. Mr. *Bright.*] Is not that ward inhabited almost exclusively by the working classes?—They are both exclusively working class wards, and so are Holbeck, Hunslett, and Bramley Wards, with one small exception, and that is the small town of Beeson, which is pretty clear, too; so that one can understand that the whole of the wards put together will carry a very large majority, as we did at the Parliamentary election, while in one or two wards it is worth while bribing for anyone that wants to get in. For instance, in the ward which has always been the worst in our estimation in Leeds, a ward that is by itself, the Kirkgate Ward, there are only 600 voters, principally small shopkeepers and lodging-house keepers; it is the ward round the market.

1573. What is the class of persons in that ward who are open to bribery?—I believe they are the small shopkeepers and the common lodging-house keepers, and it is generally done through the public-houses.

1574. You are speaking now of the municipal election, are you not?—Yes.

1575. Mr. *Cross.*] You say that many of those wards are perfectly pure, and that they are full of working men; how do you account for it that the other wards which have working men in them are not pure; how do you account for the difference in the two classes of wards?—The working men wards that are not pure are wards of what I call a very inferior class of working men, principally the lower class of Irish and English voters in the wards. In the other wards, for instance, the Holbeck Ward and Hunslett Ward, and the large wards on what we call the south side of the river, they have very much superior education; they have more schools and more mechanics' institutions, and so on.

1576. I presume that there is not the slightest

Mr. *E. Gaunt.*

13 April 1869.

Mr. *E. Gaunt.*

13 April 1869.

necessity for the ballot in those free wards?—I believe they would rather have it.

1577. But there is not the slightest necessity for it?—I do not think there is any necessity for it.

1578. Do not you believe, that the same effect would be produced in those three or four wards which you have named, as in the pure wards, when the people shall have become more educated?—I think it would have great effect upon them.

1579. If they were more educated you can see no reason why those three or four wards that you put your finger upon should want the ballot any more than the other wards?—In every one of the wards there would be a certain class of men that would be bribable.

1580. If those people in those three or four wards became more educated, would there be any more necessity for the ballot in those wards than in the other wards?—I do not think there would be any more necessity for the ballot.

1581. It rather depends upon the education and the class of people?—Yes.

1582. Mr. *Bright.*] Mr. Addyman was asked whether, amongst the population of your town, there was a great or growing feeling that the tranquillity and the purity of elections would be advanced by adopting the ballot as a mode of election; do you agree with what he said about it?—Yes, I heard his answer, and I quite agree with it.

1583. You say that your own view of that question has been adopted within the last four or five years; are you able to say whether, amongst the persons with whom you come in contact in Leeds, the tendency of public opinion, in your view, is in that direction?—I think so, decidedly, to a very large extent; I do not say that from just speaking with one or two, but I have spoken to a very large number, and I have addressed very large meetings at different times, and that has been a question which seemed to receive general favour.

1584. It has been supposed to be a great party question?—The Liberal party generally going for the ballot, and the Conservatives going against it; if you addressed a meeting of Liberals, they would be generally for the ballot; but do you think that there is any giving way on that question amongst the more intelligent and thoughtful of the Conservative party?—I think so, decidedly.

1585. Mr. *Cross.*] Do not you think that the tendency which you are speaking of is that there should be some remedy found for bribery and corruption?—Yes.

1586. And that that is the main point in people's minds?—I have no doubt they think that that is the best remedy.

1587. The main point in their minds which they want to express is that there should be some remedy for bribery?—Yes.

1588. Sir *George Grey.*] Do I rightly understand you that they do not require any protection against intimidation at Leeds?—I do not think they do much.

1589. Nor do they require any protection, if I understand you rightly, against disturbance; because the elections are conducted in a peaceable manner?—Just so. There was not the slightest disturbance during the last election.

1590. Mr. *Bright.*] Did you observe at the election, notwithstanding the general freedom of the constituency, that amongst the working men they take often the same side as their employers?—During the last election I have heard men say that they were very sorry to have to neglect their own side, as they call it, and vote for their employers; for instance, I do not think it is intimidation, and I do not think we should call it intimidation; but when a man is canvassed by his foreman, as we have heard of in certain cases, to vote in a particular way, and his own master happens to be a candidate, though he would much rather go the other way, he does not like to do it. I do not think they go on the other side of politics because they happen to be both on one side, but if I am asked by many constituents what they should do under the circumstances, I say I can hardly advise them, but it it is not likely that a man will go and vote against his own employer, particularly when his foreman is canvassing for him.

1591. There have been no charges, have there, of any positive acts of oppression in connection with voting at Leeds?—I think not.

1592. Therefore you would limit your remark to a certain pressure which would not be likely to come within the clauses of any Act of Parliament that could be made to meet it?—No, I do not think that it would come within the clause of any Act of Parliament.

1593. But to secure perfect freedom you adhere to your opinion that the ballot is the proper remedy?—That is my opinion.

1594. *Chairman.*] In the wards where corruption does prevail, do you believe that it prevails extensively?—I think it does in one or two wards, extensively.

1595. And you could name wards in which a large proportion of the voters are bribed or bribable?—Yes.

1596. Even in the pure ward, if the contests were very close, and the party feeling were very high, should you be afraid that bribery might be introduced even there?—I think so, decidedly. We find bribery nearly always introduced towards the latter end of the day, when the contests run close. When you are some 1,000 a head, it is no use beginning to bribe on the other side in any contest, but if the contest is running close we always find persons resorting to bribery.

1597. And if that once begin in a ward you think that it might become general?—It is a very difficult thing to stay it.

1598. Mr. *Cross.*] I presume that that means that if there were no publication of the poll during the course of the day there would be likely to be less bribery in the town?—That is my impression.

1599. But whether that was done by the ballot or by the poll clerk and check clerks being sworn to secrecy as to how people voted, it would make no difference?—It would make no difference as far as that particular was concerned.

Friday, 16*th April* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	The Marquis of Hartington.
Mr. Brand.	Mr. Staveley Hill.
Mr. Bright.	Mr. Howes.
Mr. Cross.	Mr. Hunt.
Mr. Dalglish.	Mr. James.
Mr. Edward Egerton.	Mr. Leatham.
Mr. Fawcett.	Mr. Locke.
Mr. Graves.	Mr. Raikes.
Sir George Grey.	Mr. Villiers.
Mr. Gathorne Hardy.	

THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. THOMAS TRIPPIER, called in; and Examined.

Mr. *T. Trippier.* 16 April 1869.

1600. *Chairman.*] YOU live at Liverpool, I believe?—I do.

1601. Will you tell the Committee your profession?—I am a Surgeon Dentist.

1602. I believe you are secretary to the Liberal Committee of the St. Anne's Ward?—Yes, honorary secretary.

1603. Is that an organisation for the purposes of the parliamentary or the municipal elections?—For both.

1604. What is the nature of the ward?—It is a ward principally of working classes. On two sides there are streets full of shops, but it is rather a working-class ward upon the whole; it is a smallish ward.

1605. How many voters are there in the ward?—The Parliamentary voters are about 1,640, and for the municipal election the number on last year's register, 1868, was 553.

1606. Are you aware whether illegal practices have prevailed at the municipal elections in that ward?—They have.

1607. Of what nature?—Open bribery directly with money; there is no question about it.

1608. Has money been corruptly expended by both parties?—Our party, I believe, since 1865, have not spent a penny in direct corruption.

1609. In what way are you aware that money has been corruptly expended by the other party?—By the way that parties have moved from their promises, and parties coming and demanding money from us and saying we can get so much from the other side.

1610. Is that done openly or with any concealment?—It is done perfectly openly; it seems to be a matter of business with them; they seem to look for it.

1611. Can you state what proportion of the voters in your ward are open to this influence?—I should think about 20 per cent.

1612. You mean that there are 20 per cent. who can be bought by either side?—Yes, by either party.

1613. Is there in addition a certain number of voters who expect money, but who cannot be bought by the other side?—Yes, we have a few who will not vote unless they are paid, and they will only vote one way.

1614. Those who are decidedly purchaseable are well known, are they?—Yes, we know them; we can just go and lay our hand upon them; in fact, in canvassing them they ask you the price.

1615. Is this practice on the increase or the decline?—Considerably on the increase. Parties who would be content probably with 5 *s.* some half-a-dozen years ago would now require 1 *l.* for their vote, and their neighbours, finding this sort of thing out, and that they get the money, will not promise without money also.

1616. What should you say was the ordinary price now?—It would vary. If you go back to 1865, we had a great contest in that year, and there was as high as 5 *l.* paid for a vote in the municipal election.

1617. Are we to understand that the practice has been on the increase since 1865?—Our party became so thoroughly disgusted with the proceeding that a resolution was passed in the committee that we should take no action in any election where those corrupt practices were continued, and since then we have set our faces entirely against it.

1618. But has it still continued?—It has still continued on the other side. If there is no money stirring, we have a considerable majority of Liberals in the ward; but since 1865, we have lost every election but one, and that was one year when there was no money spent by our opponents, and we beat them by two to one. In 1866, we had an extraordinary election; we had on the register that year 533 voters; the Liberal candidate polled 154, and the Conservative candidate 74; and there was no money given by either party.

1619. What do you call an extraordinary election?—The gentleman who was elected in 1865, who had spent, he admitted to me, 1,000 *l.*, became bankrupt, and had to resign his seat the following year, and this was an extraordinary election,

Mr. *T. Trippier.*

16 April 1869.

election, and there was no money spent at all by either party.

1620. Was that the last election which has taken place?—No. We had the ordinary election on the 1st of November 1866, and in the following month we had an extraordinary election caused by the gentleman who was elected in 1865 becoming bankrupt.

1621. What took place at the last election?—At the last election we had a very popular man indeed, and people came to us continually, saying either, "Give us a ticket for drink," or "What are you going to give us?" I said, "Not a shilling, if we lose the election." I have with me a statement of the polling which will, perhaps, give some idea of how the thing was. I just copied this yesterday from the poll sheets. Up to two o'clock, and we generally consider that two o'clock will decide a contest, we were in a majority of 35; the numbers were for Dawburn, 150; for Denton, 115. News came into the committee-room at this time that "Blucher" had appeared, and that we were going to be thrashed. By half-past two, our majority dwindled down to 16, the numbers were, Dawburn, 163, and Denton, 147; at three o'clock, Dawburn, 179, and Denton, 175; at half-past three, Dawburn, 194, and Denton, 192; and at four o'clock, Dawburn, 217, and Denton, 229; we lost by a majority of 12.

1622. Do you believe that the result of that election was entirely changed by the payment of money?—Yes. At three o'clock we had an offer from a kind of representative man. It has been the practice in our ward for people to form themselves into cliques, of some six or seven in a gang; they will all go in a gang and make themselves prominent; and there is a man that goes as a fugleman, and he will make a bargain for the lot. At three o'clock one of those men came to me and wanted to know what we would give him. I said, "Not a shilling; it is no use your coming here." They had been teasing some of our canvassers. I was engaged in striking off that day, and was kept in-doors the whole of the day; and I said to those who were with me at the time, "Do not attempt to give any money."

1623. Up to 1865, as I understand, money was paid by both sides?—It was, unfortunately.

1624. Since 1865, has the fact of your having left off paying money, reduced the prices which the voters have obtained?—Yes; it has reduced the prices.

1625. Do you know what sums were paid at this last election which you have just told us about?—Some of the committee-men who were very anxious to win the election were certainly disposed to have given their money, but I said, "We must not do anything of the kind." The committee-room of the Conservatives was at a public-house three or four doors from the polling booth, called the "Pontack Inn," and one of our committee-men followed them to that house, and observed them come out with a sovereign in their hands.

1626. Mr. *Hunt.*] Whom did you hear this from?—From one of our canvassers, who followed them.

1627. From whom did you hear that he followed him?—He told me himself; I desired him to go to the inn to watch those men.

1628. The man who saw the sovereign himself told you that he had seen it?—Yes; and, as I say, he was one of our committee-men.

1629. *Chairman.*] Were there any peculiar circumstances about this election; did it turn upon politics or upon local matters?—Our municipal contests are all political ones.

1630. Can you state anything with regard to the effect of those practices upon the value of cottage property in your ward?—The poor-rate collector tells me that he can get the taxes very much better in our ward than in most of the wards; that when he calls upon the persons they say, "Wait till the election is over, and we can pay them," and they do so. We were in conversation with the poor-rate collector the other day, when this subject came up. It is common parlance in the ward that cottage property is at a premium on account of the occupiers getting so well paid for the vote in the election.

1631. Have you any knowledge of any other wards in the town?—I know the adjoining ward; I assisted in the adjoining ward at the last election. We had an extraordinary election in January in the adjoining ward, where the gentleman who was defeated last November became a candidate for the ward.

1632. Have you reason to suppose that your ward, St. Anne's Ward, is more or less corrupt than the other wards in Liverpool?—We bear the character of being somewhat corrupt on account of the number of working people that are accessible.

1633. Do you know what sums have ever been expended upon the municipal elections by either side?—Our gross election expenses in St. Anne's Ward last November were 63 *l.*

1634. Did you spend 63 *l.* without paying any money in bribery?—Yes; those are the absolute expenses of the contest.

1635. Will you have the goodness to name those expenses?—We have generally about nine or ten cars, and a great amount of printing and posting, and we hire committee-rooms. We do not hold them in public-houses; we have not held our committee meetings since 1865 at any public-house.

1636. But you spent 63 *l.* legitimately?—Yes, we spent it legitimately.

1637. Do you know what sum of money has ever been expended in a contest?—The year before, our expenses were 65 *l.* in November 1867; in 1865 our expenses were 350 *l.*

1638. Previous to that, what were they?—I am not in a position to say what they were previous to that; it was only that year I became secretary to the ward.

1639. Have you any knowledge of what has been spent by the other side?—In 1865 the candidate himself told me that it cost him 1,000 *l.*, and our expenses were 350 *l.* There were then 519 upon the register.

1640. Do you think that there is any connection between the municipal elections and the parliamentary elections?—I consider that the conduct of the last municipal election had very considerable influence with the new voters at our Parliamentary election.

1641. Can you explain how?—I can explain it in this way: for instance, with regard to promises, on going over the list, I find there were 83 parties who promised to vote for us who voted against us, independent of those who never promised at all.

1642. How do you connect that with the municipal election?—We can only arrive at it by canvass, by parties going round and canvassing, and

and those reports which the canvassers bring us in.

1643. Do you think that the money which was paid for the municipal vote went some way to purchase the Parliamentary vote also?—Yes, I think it made parties right, as it was termed, and particularly a new voter; if he was secured at the municipal election, they had him quite right for the Parliamentary election.

1644. You say, do you not, that you could name a very large number of those voters who are purchasable in your ward?—For municipal purposes, I can.

1645. Have you made any calculation of how those voted at the Parliamentary election?—I have not made a direct calculation of them in going over the localities; I can merely say that it is principally in the locality where the men have moved from their promises that the number on the Parliamentary register has so considerably increased. There was 1,640 upon the Parliamentary list, and only 550 upon the municipal list.

1646. Do you believe that voters who could be purchased for the municipal election could also be purchased for the Parliamentary election?—I should think they could; but I do not think that there was much bribery at our last Parliamentary election; not with money at least.

1647. Has any attempt ever been made in Liverpool, in your ward, to put a stop to these practices at the municipal elections?—Yes, there have.

1648. In what way?—We had an inquiry; we put a detective officer to get evidence and to endeavour to put a stop to it; but we found that the expense would be so great that the thing fell through.

1649. No prosecution has been instituted, either under the Municipal Act or under the Act of 1859?—Not in our ward.

1650. Is there any strong feeling among the respectable inhabitants of the ward that those practices ought to be put a stop to?—A very strong feeling indeed.

1651. Have you considered at all what remedy could be applied?—I have seen no remedy; I believe that no penal enactment will ever put it down as long as there is open voting.

1652. Do you not think that the prosecutions might be rendered less expensive?—I think that the prosecutions might certainly be rendered much less expensive.

1653. I understood you to say that it was the probable expense of the prosecution which deterred you?—Yes, that deterred us from taking proceedings. We have had some very clear cases where we could have proved bribery directly, where we have had corroborative evidence, where a second person saw the money given, and which were thought to be very good cases.

1654. Where would the expense have been incurred; would it have in collecting the evidence, or in taking the case before the court?—We thought that the general expense in getting up the prosecution would be considerable, and that has deterred us from proceeding with it. We have not many wealthy persons in our ward; our committee is composed of nearly all working men who cannot put their hands into their pockets, and we do not like to ask them to put their hands into their pockets. If we get their time, we are very well satisfied with it.

1655. Are you aware whether a prosecution before a magistrate would be expensive?—I am not aware that we can take it before a magistrate.

1656. Supposing that the law were so altered that you could prosecute a man whom you suspected of having received a bribe, or of giving a bribe, before a magistrate, would that be an expensive process?—I do not see why it should be expensive. No doubt it would be a very good remedy if you could have an easier way of prosecuting the parties, for the prosecutions would deter others, I think, from committing this sort of offence.

1657. But you have no confidence, have you, in any system of punishing those practices?—I think that any law that you can introduce would be a perfect failure so long as we have open voting.

1658. How do you think that secret voting would stop corruption?—I should certainly adopt the ballot, because I do not think that those parties would be tempted to spend their money unless they got their work done for it.

1659. You think that they would not be sure that they got their work done?—They would not be sure; and I do not think that people are disposed to pay money unless they have their work done for it.

1660. Does treating prevail much at those elections?—Yes, to a considerable extent.

1661. Do you think that the ballot would put a stop to treating?—I can scarcely say that, but I think it would check it; people would not spend money unless they knew they got value in return for it. To a certain extent it would check it, but I cannot say that it would entirely.

1662. Is there any other improper influence used at those elections?—Yes, coercion. The very fact of canvassing itself is coercion, and I think that canvassing ought to be done away with.

1663. That is used pretty equally on each side, is it not?—Yes, on both sides. If a man is a working man, if the screw can be brought to bear upon him through his employer, or through anyone who has any influence over him, it is done.

1664. Do you think that intimidation goes so far in your ward, that a man would feel that he might lose his employment if he voted against his employer?—Yes.

1665. Do you know any cases in which that has happened?—I could not, perhaps, give a direct case now, as I have not given it consideration; but it is generally understood how these things are worked. We have called upon men who have been known to be Liberals, and they have told us that it is so. I can give one instance which just occurs to me. There is a cabinet-maker in St. Anne's Ward, a Conservative, whose foreman is an out-and-out Liberal, and that man, because he will not prostitute his conscience, refrains from voting.

1666. Mr. *Villiers.*] You stated that the respectable classes are against this system of bribery; how do they view the system of intimidation and undue influence which you have just now spoken to?—The respectable portion of the ward certainly are opposed to this amount of bribery and corruption.

1667. But how do they view undue influence or intimidation?—I am not able to speak as to how they view it.

1668. Can you say that the respectable classes wish the voters to act fairly and unbiased by any influence?

Mr. *T. Trippier.*

16 April 1869.

influence?—I should think that all respectable honest men would wish them to do so.

1669. But is that the fact?—I am not able to say what the men's views may be.

1670. Do you speak to the fact of coercion and intimidation being quite general in your ward?—In going round canvassing, when we find that a man who has Liberal tendencies, or who has voted on former occasions Liberal, is going to vote the other way, the natural question is, "Who is his employer?" and we usually find that he is a Conservative, or he is something else.

1671. Is this your inference; that he has been Liberal, but now being employed by a Conservative he is obliged to vote Conservative, or the other way?—That is the supposition.

1672. What is exactly your position in the ward, because you speak of yourself in the plural number, and you say, "We do this," and "We do that"?—I am Secretary of the Liberal Election Committee of the ward.

1673. Those facts that you have stated about bribery are perfectly notorious, are they not?—Quite notorious.

1674. And that sometimes the candidates pay 1,000 *l.* to get in?—That was upon rather an extraordinary occasion.

1675. What class of persons are they who pay such large sums to get in?—This gentleman was a brewer.

1676. One of the highly respectable classes?—I cannot say as to his being of a very highly respectable class; that was not a very respectable act.

1677. He is a respectable man, I suppose?—He became a bankrupt the following year.

1678. Was he rich before he became a bankrupt?—I do not know about that.

1679. That person who paid so much was elected, I suppose?—Yes, he was.

1680. It being notorious that he paid that large sum at the election, how was his conduct afterwards regarded by persons in the same station in life?—I think he was rather pooh-poohed when he got into the council; not because he got in by bribery.

1681. But then, if such people do pay to get in, how do other persons view his conduct?—This was rather an extraordinary case in 1865.

1682. But it appears, from what you say, that the practice was pretty general to pay something for the purpose of getting in?—In our ward it has been so, and I am speaking more particularly with regard to the ward in which I reside.

1683. But people are not thought the worse of, are they, after they are elected?—The thing seems to pass over, and they seem to think nothing more about it; it is taken as a matter of course.

1684. Have you ever heard any conversation about the matter, as to whether it should be put a stop to or not?—We have talked about it frequently.

1685. Just tell us how it is viewed; is it simply viewed with respect to the expense, or is it thought discreditable?—We think it discreditable as well as being expensive.

1686. Do you think that it being thought discreditable, if it was less expensive, the law would be put in action against the parties who had bribed?—We were so disgusted with this kind of proceeding, that in 1866 the committee made a resolution that they would not take part in any election where any one of our candidates attempted to use bribery or treating.

1687. And are the Committee to understand that the candidate lost in consequence?—We have lost every election but one since 1865.

1688. Is there any idea of changing the system again in consequence of finding that the candidates are unsuccessful?—I do not know; I shall leave the committee if any money is given.

1689. They have not taken into consideration whether they will prosecute the people that have succeeded by those means?—No, we have not taken any steps to do so.

1690. So that, as it stands now, the one party that will open its hands the widest will be successful?—Yes, since 1865; the last four years we have had no practice of that kind.

1691. But do we understand you that the ward, or at least the respectable portion of it, or those who have given up bribery, despair of curing the system by anything short of the ballot?—That is our opinion.

1692. Deliberately arrived at after consideration?—Yes; in our meetings the thing has been frequently talked over, and invariably the respectable portion of our ward vote with the Liberal party.

1693. What are the qualifications for those candidates; are we to understand you that their political opinions are inquired into before they start?—Yes, they are generally known; a man does not come out to be a candidate unless his political opinions are well known. In Liverpool, unfortunately, in all our wards they are purely political contests; it is not a matter of fitness at all.

1694. The fact is, that you know every councillor's politics who is elected?—Yes; he comes up as a Liberal or as a Conservative, and he stands upon those principles.

1695. And I presume that in the council he acts according to his politics?—He votes that way for the mayor and aldermen.

1696. Is it thought to be a fortunate circumstance that politics should interfere in those matters?—I think it is a very unfortunate one; because we have brought out very superior men to our opponents, and we have been beaten year after year; they have been men of ability and fitness for the office, and there has been no comparison between the men; but where this money has been brought to bear, fitness is only a secondary consideration, and we have not been able to get them in.

1697. But, in the discharge of their duties as councillors, are they biased by their political feeling?—They give their votes, I presume, honestly.

1698. You stated, did you not, that you did not consider that any of those malpractises existed at the Parliamentary election?—I do not consider that there was any money given at the Parliamentary election to any extent; but there was drink given freely.

1699. Then treating does go on at the Parliamentary elections?—Yes.

1700. And all the other influences to which you have referred?—Yes, coercion, and I presume where influence could be brought to bear upon a voter that has been done.

1701. And you think that that is very general in Liverpool?—Very general on both sides, I dare say.

1702. You have known Liverpool a long time; do

do you think that there is any change in the feeling among the more respectable classes as to whether this sort of system should not cease?—Among the parties that I have come in contact with, I have generally found that they consider it is quite time that there should be some alteration in the law, and some alteration in the method of voting.

1703. Have you seen that change of opinion taking place?—I think that it is gradually going that way, particularly among the more respectable people.

1704. Is there much difference between the Parliamentary electors and the municipal electors, in point of standing and qualification?—Yes, considerable.

1705. The municipal franchise is the highest, is it not?—The franchise is the same exactly; but the class of persons who are on the municipal register are generally rather of a better stamp than those who have been latterly introduced into the Parliamentary election.

1706. Therefore you would not expect that there will be more purity in the future, in consequence of the change which has been made in the qualification of the voters?—The great increase has been in the case of the occupiers of houses in courts, who have been brought on to the Parliamentary register, whereas we have not got them upon the municipal register.

1707. Do you know whether there is any arrangement made to pay the rates of the voter?—I do not know of any.

1708. You had election committees for the Parliamentary election, had you not?—The same class of persons work both as far as we are concerned.

1709. At the last election the rates were not paid, were they?—We never gave a fraction for any such purpose, and I do not know of its being done by any party.

1710. Before the election took place, had any rate been paid at Michaelmas?—The poor-rate is laid at Easter.

1711. So that the rate was in force at the time of the election?—Yes.

1712. And there were arrears, I suppose, unpaid?—I am not aware that there were; I cannot speak to any arrears; the poor-rate collector would be better able to answer that.

1713. Mr. *Hunt.*] Do you know when your own rates were collected?—I think I paid mine about November; they are laid at Easter, and I generally pay towards the end of the year; I mean the poor's rates. Our local rates I paid about July; they are three months earlier than the poor rates are.

1714. However, are you of opinion that if there was the vote by ballot, all those influences would cease?—I think that in a very great measure they would.

1715. Mr. *Gathorne Hardy.*] As I understand you, your ward is divided into three parties, the Liberals and the Conservatives, both of whom pronounce their opinions openly, and a class that is open to the receipt of money; is that so?—That is so.

1716. Then, in the case of the ballot being brought into operation, it would operate, you think, only upon that class who at present have no opinions?—Perhaps, dividing them into three parts in that way, it is scarcely fair; because many of those men who are purchaseable have political opinions, but they merely stand aloof, and will not assert them in the expectation of getting paid for them.

1717. To take another case, the one that you have mentioned of the cabinet-maker's foreman; that was a person, as I understand, of pronounced Liberal opinions?—Yes, a staunch Liberal.

1718. His master knew perfectly well, did he not, what his opinions were?—I am not able to say whether his master knew what his opinions were; I can only tell you the fact that he refrained from voting.

1719. And he refrained from voting in deference to his master's opinions?—I presume that is so.

1720. Supposing you had the ballot, and that he had voted, do you think that his master would have had any doubt about the way in which he had voted?—I should think not.

1721. So far as the relations between him and his master were concerned, the ballot would really make no change with a straightforward man like that?—The ballot would be a considerable advantage to this man, because he could then record his vote honestly.

1722. Would not his master know how it was recorded?—I do not know about his master knowing; of course he might have his own notion of how it was recorded.

1723. If he has abstained for many years from voting because, being a Liberal, he does not wish to vote against his master, who is a Tory, if vote by ballot came into operation can you doubt that his master would know how he voted?—I think the supposition would be that he had supported his own side.

1724. You have spoken of putting a stop to canvassing; will you describe what you mean by canvassing?—The ward is divided into streets; in our municipal election we divide the ward into 16 districts, and each gentleman takes a book with the names, and goes from house to house to solicit the votes.

1725. Is that the kind of canvassing that you want to put a stop to?—Yes.

1726. In what does that differ from your canvasser meeting a man anywhere in the streets and pressing him for his vote?—It is a part of the same thing.

1727. Can you stop that process?—You can scarcely stop that kind of thing, if he met a man casually and asked him whether he was going to vote for So-and-so.

1728. Could you stop a neighbour going into a friend's house and talking to him about his vote?—No, I do not see how you could stop a neighbour doing that; I mean a systematic canvass.

1729. Will you explain what kind of penalty you would put upon canvassing?—I would put a stop to a systematic canvass, where books are made out and a person takes a district and goes from house to house to the voters; that is the kind of thing which I would stop.

1730. Will you explain how you would lay down rules by which you could distinguish that kind of canvassing from any other kind of canvassing; as, for instance, a neighbour going in and asking a friend in his house for his vote, and making a memorandum of it?—If we found that the man made a practice of going from house to house I should look upon that as being canvassing, and I think he ought to be punished for it, if the law was put in force to that effect, and it was illegal.

1731. Could you do that with any effect, unless

Mr. *T. Trippier*. 16 April 1869.

you made it absolutely penal to ask a man for his vote at all?—That would be interfering almost with the rights of individuals. Supposing that I met my next-door neighbour and put the question to him, not what you consider making a formal canvass, and the man said, "I think I shall vote so-and-so," I should not look upon that as being a set canvass; but if I went from house to house and took a district, and solicited those people, I should look upon that as a systematic canvassing that ought to be stopped.

1732. Whether you did it voluntarily or as a paid canvasser?—We do it voluntarily now, because we have no paid canvassers; they are all volunteers upon our committee.

1733. If I understand you right, you go for the ballot; have you ever tried any other method of repressing bribery, or corruption, or intimidation, in your ward?—We have no means of trying anything, only refraining from giving them money for drink.

1734. Have you ever tried to put the law which exists in force?—We have tried. We have tried to collect evidence for such a thing, and, as I said before, in consequence of the expense the thing fell through.

1735. Was it that you could not get good evidence?—No, it was not that. We had corroborative evidence where the money had been seen to pass.

1736. Was it want of money on your part that prevented you?—Want of money to go into the matter. Those things are somewhat expensive, and we were deterred from proceeding with them.

1737. Who used to find the money up to 1865; was it found by the candidate or by subscription?—We generally expected the candidate to find it.

1738. Did they know how it was employed?—I presume so.

1739. You made no secret about it?—I believe they generally presumed that there was money to be had on both sides up to 1865.

1740. I understood you to say, that in your particular ward the corruptible persons are generally represented by a sort of gang-man, who undertakes to get the money for them?—A few years ago there was a very formidable combination of beer-house keepers; some 15 or 16 combined together, and previous to 1865 it used to be made a point who could secure this lot first.

1741. Those 15 or 16, as I understand you, are able to turn any election?—They made themselves very powerful.

1742. They can turn the election; in fact, you have lost the election, you say, by those men being got hold of during the last four years on the other side?—Since then this combination has not been so powerful as it was; it has dwindled down until they form only about six now.

1743. Whoever they are, those gangsmen have been able to turn the election against you, who say that you have the majority of the respectable voters with you?—They have assisted in doing so. I cannot say that it has absolutely depended upon them.

1744. I understood you to say, that if you had no bribery at all, you would have the majority; but, as a fact, there has been bribery, and you have lost all those elections?—I stated that since 1865 there has been no bribery on our part.

1745. But there has been bribery which has turned the elections against you, and has put you in a minority?—I scarcely understand the Right Honourable Member's question.

1746. You stated that your party were in the majority in the ward?—Yes, we are.

1747. And yet you have lost all those elections since 1865?—Except one.

1748. And that at those elections the practice is, for some persons (I do not care how many) to represent the corruptible people and to arrange for their being bribed?—They have some person to represent them.

1749. And you say that they are perfectly well known, and that they have a fugleman who comes and asks you for money, not for themselves merely, but for the clique?—They form themselves into those little cliques, and there is one man put forward to get the biggest price he can.

1750. And this fugleman will manage it for them?—Yes, among themselves; we do not interfere with them.

1751. But the fuglemen are the men who manage it with those persons who give the bribe?—I presume they are.

1752. And they have been able to turn the elections against you?—We have lost them, except in one instance.

1753. Mr. *Hunt*.] You disapprove of systematic canvassing; do you approve of public nominations?—No.

1754. And you would like to see them done away with?—As far as the municipal election is concerned, I think that the nomination is quite right; but as regards the Parliamentary election, I think that it ought to be done away with.

1755. Would you wish to do away with the declaration of the poll too?—Yes, with the declaration of the poll also.

1756. Supposing that there is to be a general election, and that the sitting Members have announced their intention of not sitting again, will you describe to the Committee an election under the system which you would approve of: will you go through the different steps of the election—the introduction of a candidate to the constituency; the ascertaining of the views of the constituency with respect to the candidate when he is formally before the constituency as a candidate; and the different processes till you reach the return?—I presume that the gentleman who intended to put himself forward as a candidate would be a person whose political opinions would be known; he should not have been a man who had never been before the public in some way or other. You would choose a man whom you think would represent your opinions. We will say that two parties put up, one gentleman to be a Conservative and the other to be a Liberal; there is no doubt that gentlemen would, before the election, form themselves together to conduct the election on both sides; a number of Liberals would form themselves into a committee, and they would invite Mr. So-and-so, because they believe that his opinions would suit their party. He would then issue an address to the public, and the only other machinery that would be required would be an Act of Parliament saying how the voting should be conducted afterwards.

1757. How would you ascertain whether the candidate that the committee had selected, and who had put forth an address, was acceptable to the constituents, or to that part of the constituency for whom the committee had been formed?—That

That is a matter which they could not possibly arrive at; it could only be determined by the voting whether he was acceptable or not.

1758. The candidate would be chosen by the committee, and he would issue an address, but he would have no means of knowing whether he was acceptable to the constituency till the polling had taken place?—Just so.

1759. Do you think that that would be satisfactory to the committee who had selected him?—I think it would be satisfactory to the committee.

1760. Supposing you, who took an active part as a Liberal, have, with your colleagues on the committee, selected a candidate, and you had no canvass, and no public meetings, you would not know at all whether he was acceptable to the constituency?—I think it desirable that a public meeting should be called for the candidate to declare his opinions.

1761. Then, having issued his address, you would have a public meeting called to enable the constituency to hear his views?—Yes.

1762. You would expect him to address the meeting, I suppose?—Certainly.

1763. And then would you call for a show of hands?—I should not see any necessity for that.

1764. Supposing there were two rival Liberal candidates in the field, should you propose that there should be a meeting of electors to decide between them?—That is a matter I should not be able to speak about. If the position was that only one of two Liberal candidates was to be elected, it would be for the constituency themselves to decide by voting.

1765. Do you think there ought not to be any means of ascertaining beforehand the opinion of the Liberal electors as to which Liberal candidate should be put forward?—I would ascertain by meeting in committee, and talking the matter over as to which would be likely to be the most acceptable.

1766. You think that no other means should be adopted to ascertain the views of the constituency?—I do not see what other means you can adopt except public meetings.

1767. You think that there should be no canvassing, and that it should never be put to a meeting of Liberal electors as to which candidate they should bring forward?—I do not see the necessity of putting it to a public meeting of that sort, because a number of gentlemen would take an interest in the matter, and form themselves into a committee, and you would naturally expect that they would do nothing which would be detrimental to their party.

1768. Supposing there were two such candidates, would you expect them both to address public meetings; do you think it would be desirable that they should be so?—If a candidate is invited they would not invite two of the same political feeling.

1769. Then we will take one; supposing there is one candidate invited to attend a meeting, you would expect him to address the meeting?—Certainly.

1770. Supposing there was a rival candidate, his friends would wish him to address a meeting also, would they not?—Most likely they would, but not at the same place.

1771. But you would not allow either candidate to canvass the electors in any other way?—No.

1772. Do you not know as a fact that many excellent Members of Parliament are very bad hands at addressing a meeting, but whose opinions are very sound on public questions?—Yes, I dare say that is so.

Mr. *T. Trippier.*

16 April 1869.

1773. Would not that give a very great advantage to a man who has, what is commonly called at elections, the gift of the gab, and a great disadvantage to those who were not able to express their opinions so clearly at a public meeting as they would do to the electors in the course of their canvass?—It might be that a candidate addressing a meeting might militate against him, but a man of ability of that class would be pretty well known, even though he was not a fluent and ready speaker, and I do not think that that would militate against him with the public at all.

1774. Then, as regards those meetings, if you do away with nominations the meetings would be generally of one political complexion, would they not?—I think a candidate ought to call public meetings to express his views.

1775. Would not those meetings be of one political complexion as a rule?—I think a public meeting is open for all persons to go to.

1776. Is it not the practice, when those meetings are held, that they are confined almost exclusively to the one political party?—We have had public meetings called by one party, and considerable disturbance has been created by the other party.

1777. But generally there is a Liberal meeting and a Conservative meeting, is there not?—Yes.

1778. If you had no nomination, and no questions put at the hustings, the electors would lose their opportunity of inquiring into a candidate's opinions?—If he addressed a public meeting, or addressed them by an address, they would have an opportunity of reading the man's opinions and knowing something about them.

1779. But those electors who had not attended that meeting would lose the opportunity?—They would see an account of it in the newspapers the following day.

1780. But they would lose the opportunity of putting questions to the candidates?—Yes, certainly.

1781. You stated, with regard to the ballot, that you thought it would put a stop in a great measure to bribery, because parties would not be willing to spend money unless they could get their money's worth for it, supposing an arrangement were made that they should pay no money unless they were returned, I presume that men might be induced still to continue the practice of bribery?—At all events the present system does not answer the purpose, and I should be quite willing, if the ballot failed, to return back to open voting, but there would be no necessity for returning back to it I am quite sure.

1782. Mr. *Edward Egerton.*] Is the office of town councillor in Liverpool an object much sought for by the most respectable inhabitants on both sides?—It has been an office that is rather coveted.

1783. Have you ever been a town councillor yourself?—No, I never had the honour.

1784. You stated that you were the honorary secretary of a ward association; will you tell the Committee what your duties are as honorary secretary?—The duties are that I keep all the accounts; all information is brought to me. I

Mr. *T. Trippier.*

16 April 1869.

receive reports and mark up the register, and I copy the voting afterwards.

1785. Do you give any advice as to the persons to be nominated to the town council?—That is done in the committee, and I have no more voice than any other member of the committee in that respect.

1786. Have you in Liverpool the practice of which we have had evidence from other towns, of nominating gentlemen against their consent for the purpose of making a contest?—We never have done so in our ward.

1787. You told the Committee that up to 1865 money had been spent very freely by both sides, but that since 1865 the Liberal party had spent no money. What led to that determination on the part of the Liberals?—We found that it was so very demoralising to the electors that the elections were a perfect farce; it was no representation at all, but merely the man who came with the longest purse was returned.

1788. You told me just now that there was a great desire on the part of the most respectable members of society to seek the office of town councillor. Was it the effect of that corruption which prevented respectable men on the Liberal side coming forward?—They do come forward in other wards, but they are not considered quite so corruptible as our ward; in St. Anne's it has been more open and more notorious.

1789. In what part of Liverpool are those wards?—They are almost in the centre of Liverpool, near St. George's Hall.

1790. Will you go on to describe the effect of the election of 1865?—We got thoroughly disgusted with proceedings of this sort; we found that there was no representation at all.

1791. Did it never occur to you to find out that there was any legal remedy?—We knew that there was a legal remedy.

1792. Do you know the Act commonly called Mr. Cross's Act?—Yes, I know that Act.

1793. Did it never occur to you to put that Act in force?—It has been talked of frequently, but unfortunately we were both tarred with the same brush.

1794. Then it was from the fear of exposure on both sides that you refrained from putting the Act in force?—The Honourable Member will bear in mind that I have no official capacity, only as an ordinary committee man.

1795. But I suppose that you were present at meetings of the committee?—Yes.

1796. Did you ever hear any talk about putting Mr. Cross's Act in force?—We have frequently talked about it privately

1797. What prevented your putting the Act in force?—As I said before, it was the expense.

1798. There is not much expense in going before a county court judge, is there?—The county court might not be costly.

1799. What was it that prevented you?—Generally the getting of the money.

1800. Do you mean to say that in the town of Liverpool the real reason for not putting the law in force against the corruption, which you describe, was fear of the costs?—It was not the town; we are only speaking of the ward itself. Our committee is principally composed of working men, and we should be very sorry to ask them to put their hands in their pockets to pay such expenses.

1801. Was it in that ward that 350 *l.* was spent by one candidate?—Yes; the man came forward and spent it himself; that was in 1865.

1802. What description of person was this man who spent 350 *l.*?—A retired pawnbroker.

1803. That was not the gentleman who was bankrupt the next year?—No; he opposed the gentleman who was bankrupt the next year.

1804. Mr. *Raikes.*] Do I rightly understand you to say that they canvass with books in a systematic manner in the municipal elections in Liverpool?—Yes; just the same as in the Parliamentary elections.

1805. They make out a regular list, and thoroughly add it up, and know exactly what their position is?—Exactly so.

1806. And do you consider that that forms part of the municipal expenses, which I think you say were only 63 *l.* the last time?—No, the canvassing cost us nothing; they are all volunteer canvassers.

1807. Did the machinery for doing it altogether, committee-rooms, and books, and printing, and clerks, and so on, come to that amount?—Yes. We have generally a paid secretary during the election, because I could not do all this work myself. I could not devote the time to it; and I generally get a couple of men to make up the books, and so on, for me in the committee-room where I am working, and to give answers to anybody that comes to make inquiries.

1808. Do you think it would obviate what you disapprove of in canvassing if it were confined entirely to regular agents, who should not be accompanied by either employers of labour, or the candidates, or other persons likely to influence the voter?—I would do away with it entirely.

1809. You think that the fact of a person whom you knew nothing about, and who had no influence over you, calling upon you with a book, is in itself objectionable?—It is objectionable.

1810. Is it more objectionable than a person who had influence over you speaking to you in a quiet way?—The one is as bad as the other.

1811. You admit that you cannot prevent that?—If you meet a person in the street, and quietly put a question to him about his vote, I do not see how it is possible to prevent that.

1812. Do not you think that influence can be much more brought to bear in that way than merely by a disarrangement which is a matter of convenience, in order to enable a candidate to know what his strength is?—No, I do not think it could have the same influence.

1813. Then it is the book that does it?—It is not that, but because all this information that you get together is brought to one focus, and you know how the position stands; so many for, and so many against, and if a man says he will not promise, inquiry is made why he will not promise, and if they can bring any influence upon him, they bring it to bear.

1814. In fact, you object to doing that as a systematic business in an election?—Yes, I say let people come spontaneously forward and record their votes.

1815. Mr. *James.*] You stated that the bribery at the municipal elections takes place openly?—There has been no secrecy about it at all.

1816. From your knowledge of what does take place at the Parliamentary elections the bribery was more openly committed at the municipal elections?—Yes, I do not think that there was bribery at the last Parliamentary election.

1817. To what do you attribute the fact that bribery

bribery takes place more openly at the municipal elections, both being against the law?—The opinion has gone abroad amongst the electors that there is no punishment for bribery at municipal elections.

1818. Do you think that they would regard it as a great crime if there were to be some punishment inflicted that could be speedily and cheaply inflicted?—I am afraid that with our present system of voting it would be of very little use; it would not deter people sufficiently.

1819. Mr. *Graves.*] Are you aware that there has been one case brought up before the county court judge under Mr. Cross's Act?—I saw it the other day in the newspaper.

1820. It did not seem a very difficult process, did it?—I saw the account in the paper, and it did not seem a very difficult process.

1821. It has never occurred to your mind, with all this bribery going on, to try and put the law in force?—We have talked about it frequently, but we never did anything.

1822. You have, I think, said that there has been a good deal of coercion used at Liverpool; did that apply to the municipal election or to the Parliamentary election?—It applied to both.

1823. Can you give any instances at all where coercion was used by any employer at the last Parliamentary election?—Not perhaps directly.

1824. Nor within your knowledge?—Not directly.

1825. You stated, did you not, that there was a good deal of drinking, although there was no bribery?—I do not think that there was any bribery, but there was a good deal of drinking.

1826. Where were you on the day of the last Parliamentary election?—I was knocking about the polling-booth the whole day.

1827. Did you see any drunken men?—Yes; many round the polling-booth.

1828. How long have you been living in Liverpool?—Twenty years.

1829. Have you seen many elections?—Yes.

1830. Did you ever see a more orderly one, looking at the number who voted, than the last one?—There was not a great amount of disorder.

1831. Did you ever see less drunkenness than there was on the last occasion?—I cannot say I did; but the honourable Member is aware that the system is very different now that the town is so much divided to what it was formerly.

1832. You have given the Committee the impression that there was a good deal of drinking at the last election, and I want to bring out the extent of it. Do you consider that there is a marked improvement, from your experience of the last 20 years, in the mode of conducting the Parliamentary elections in Liverpool?—I think there is a slight improvement.

1833. You seem to be strongly impressed with the idea that the ballot is the only remedy for all those evils?—That is one; I have weighed the matter frequently in my own mind.

1834. As a man who is deeply interested in the reform, I may say, of municipal and Parliamentary elections, do not you think that it would be wise to try and put the law in force first under the present system before you seek to change to one that you know nothing about?—I think, from the experience that we have had of the various Acts that have been introduced for punishing bribery and corruption, they have all seemed to me to be perfect failures.

1835. Supposing that the law were made as stringent as it reasonably can be for stopping all corrupt practices at elections, would you elect that the present system should be so improved, or would you still go for the ballot?—I would still go for the ballot.

1836. You say that there are 20 per cent. of the voters in your ward, I think, who are open to corrupt practices at the municipal elections; will you tell the Committee how those 20 per cent. would, under the ballot, be prevented from receiving bribes from two persons in place of one under the open system?—The only answer I can give is, that I do not think that either party would give them any money unless they received value for it.

1837. Then, it is only a question as to the candidate's motive; I presume that this 20 per cent. would remain the same?—It would remain just the same; they would get the money if they could.

1838. Speaking solely of this 20 per cent., and without any reference to the candidates, would not a secret system of voting give those men a double chance of getting money which they cannot have under the open system?—I do not see how it is possible.

1839. Will you explain why you think it is not possible, speaking of the voters alone?—This 20 per cent. who are purchaseable, there is no doubt, would take any money they could get, and I think they would be quite right in doing so if they can get it; but I do not believe that either party would attempt to give them money unless they got some guarantee that the men voted as they required them.

1840. Am I to understand you to say that those men would be quite right in receiving this money?—I think that a man serves either party right in taking money from either party, whoever offered it him.

1841. Have you any ground for saying that the feeling in Liverpool is generally increasing in favour of the ballot?—Only from meeting with parties in conversation who seem to be very much dissatisfied with our open voting. The feeling does seem to be gaining ground, in my own experience; many who I know are strong Conservatives have quite given way and say, "It is quite time we had the ballot."

1842. What class of men are you speaking of?—Middle-class tradesmen of my own standing, men that I associate with.

1843. What is the feeling of the working men?—I do not mix amongst working men much, and I have no opportunity of saying what their feeling is.

1844. Are you aware whether the Liberal candidates at the last Parliamentary election in Liverpool advocated the ballot or not?—Mr. Massey did.

1845. Are you aware whether the Conservative candidates were in favour of the ballot?—No, they were opposed to it.

1846. Was Mr. Massey defeated who advocated the ballot?—Yes, he was.

1847. By a large majority?—Yes, by rather a large majority.

1848. And that would be an indication of the feeling of the majority of that large constituency, as adverse to the ballot?—There is no doubt that if we had the ballot the result would be very different.

1849. I merely want to bring out from you whether the opinion of the majority of the town upon

Mr. *T. Trippier.*

16 April 1869.

upon the ballot was not expressed through their decision in the recent election?—I cannot say that it was the majority.

1850. But a very large number, I understood you to say, were against Mr. Massey?—Yes, but then the question is how many of that large number were coerced to vote in that way; I say that you had not the fair feeling of the people.

1851. You think that the value of votes has increased of late years in your ward?—Yes, for municipal purposes.

1852. Will you explain to the Committee how that is the case, if only one side have been tarred with this black brush that you have been using so strongly?—I do not suppose that the bribes have increased to any great extent in the amount of money; they have considerably increased in number; a man who got a few shillings a few years ago would now want 1 *l.*; a man who in 1864 would be bribed with 5 *s.*, if you were to bribe him now would want 1 *l.*

1853. As you wish the Committee to believe that there is no competition in this bribery, will you explain to the Committee how it is that the price of votes is increasing?—It is increasing in this way, that many of those men will not vote under a certain price, that is, if two or three individuals vote, we will say, for 1 *l.*, they will never vote for less than 1 *l.*, and if you do not give them money they do not vote at all.

1854. Do you speak the views generally of your committee upon those points that you have been speaking of to-day?—I fancy that the committee generally coincide with the views which I am now stating.

1855. And with regard to the extent of corruption within that ward?—Yes, and many of them have even stronger opinions than I have.

1856. What is the name of the secretary to the Conservative Association in that ward, if there is one?—I do not know, they change every year; I think Mr. Bramhall was the secretary last year, and Mr. Reed was secretary the year before; I think Mr. Bramhall and Mr. Milburn were the two secretaries last year.

1857. Mr. *Dalglish.*] At the last Liverpool election was the ballot the question upon which the election principally turned?—No.

1858. Mr. *Cross.*] Should you have voted the same way at the last election if you had had the ballot?—Just the same.

1859. It made no difference with you?—Not a bit.

1860. As to those men who will not vote unless they get 5 *l.*, we will call them the aristocracy of the people that are bribed, do you suppose that they would vote one whit more if they had the ballot?—They would want their 5 *l.* just as much.

1861. Whether they had open voting or not?—They would try to get it, there is no doubt about it.

1862. Does the bribery in the municipal elections that you have spoken of exist to the same extent in all the wards in Liverpool?—I do not think it does.

1863. Do you believe that any of the wards in Liverpool are, comparatively speaking, pure?—I do.

1864. How many of them?—Probably some half-dozen or so of them are pure out of 16; that is to say, I do not think that they are much influenced by money.

1865. Are those wards where the better educated class live?—Yes, that is so.

1866. How many wards do you consider perfectly bad?—Perhaps some seven or eight that really could be purchased.

1867. Are those the least educated wards?—They are the lower neighbourhoods, the least educated, or rather the poorer classes.

1868. Mr. *Staveley Hill.*] About what number did each of those gangs that you have referred to consist of?—They had formerly a very formidable gang of beerhouse keepers, but that gang has dwindled down from about 15 or 16 to something like six or seven of them.

1869. I understood you to say that there were gangs of those people who voted with their fugleman; do you know what the number of those gangs was?—I was then alluding to gangs among the working men, who clubbed themselves together in fives and sixes.

1870. What was about the sum of money given at the last election to each of those gangs of five or six?—I am not prepared to say; on the last polling day, shortly after three o'clock, I went into the polling booth, and a very active partisan upon the other side came and asked permission from the alderman to allow him to come in while those men polled, and I think there were 13 of them polled then, one after the other.

1871. Did they all come in a gang?—Yes, they all came in a gang, and they all voted together except one man, and he voted the opposite way, and I whispered to this partisan, and I said, "You did not square that man, then?" but he said, "All right;" and he went out, and all those men went back again into the public-house, to the "Pontack," where the committee-room was held.

1872. What was the price that you think was given for those men?—I cannot say, but there was a gang of six of them, and I expect they got about a sovereign each; I do not say this lot, but another gang of six got a sovereign each.

1873. They were headed by some one, a fugleman?—Yes, one man at the head of them came to myself, and I spoke to him.

1874. Did that one fugleman receive the money for the gang?—No, I do not believe he did.

1875. Do you know at all?—I do not know positively.

1876. What is your belief?—I believe they each got their money separately, because they came out of the house showing that sovereign openly.

1877. From whom would they have received it?—From some person; I do not know who.

1878. Some person who would be at the house to which they went back?—Yes.

1879. At the last election, what number polled in St. Anne's Ward altogether?—At the last municipal election, 446 out of 553.

1880. How many candidates were there, and how were the votes divided?—There were two candidates; the Conservatives polled 229, and the Liberals 217.

1881. And you say that, out of this number who so polled, about 88 would be bribed?—No, the 88 that I spoke of referred to the Parliamentary election who had promised us, but voted against us.

1882. You told the Committee that of the municipal voters about 20 per cent. are corrupt; out

out of 446 that would be about 88?—There would be about 120 who were purchaseable upon the whole register.

1883. How many of those 446 at that election, do you think, were bought?—I cannot make the division as to the numbers that were bought, but there were a very considerable number of them; I should think there were fully 20 per cent. of them that were bought.

1884. Mr. *Leatham.*] I think you said that the fugleman did not pay the voters himself, so far as you are aware?—No, I think they got it separately.

1885. You think that they would not trust a fugleman to receive the money for them?—I do not know that it would be from a distrust of that kind.

1886. Do you think that they would promise their votes conditionally on the election of a particular candidate without receiving the money before they voted?—I have known instances previous to 1865, with reference to this beer-house gang that I have referred to before, where the money has been paid a week beforehand, and they could strictly rely upon them.

1887. Would they promise their vote without having received the money?—They would not without receiving the money, or the promise of a bribe.

1888. Would the promise of a bribe, to be received after an election, be sufficient?—They would take the man's word that he would give them the money.

1889. What kind of man's word would they take?—The gentleman probably who had canvassed them, or some one that was in an official capacity.

1890. Somebody whom they knew well?—Yes.

1891. They would not trust a man in the moon?—They would not trust a stranger.

1892. Was not Mr. Rathbone a local man, and well known in Liverpool, and much respected at the time of the Parliamentary election?—Yes.

1893. Was Mr. Massey so well known in Liverpool?—He was not.

1894. Do not you think that that was one reason why Mr. Rathbone polled a greater number of votes than Mr. Massey?—Certainly; on account of his being a local man.

1895. You were asked whether it was possible to decide between two Liberal candidates before an election, and whether could you suggest any method by which that might be done; it did not perhaps occur to you that a preliminary ballot of some kind might be taken when there are two candidates of the same class of opinions?—I was never placed in that position, where we had two Liberal candidates brought forward. The thing is possible, and in that case gentlemen would form themselves into a committee, and one gentleman might name one as a fit and proper person to be elected, and another might second him, and the same with regard to the other candidate; and it is very likely that the question would be put to the vote of the meeting, as to which should be invited to stand.

1896. You have mentioned that almost the only reason why prosecutions were not instituted was that they were expensive; is there not a feeling in Liverpool that after the contest is over it is better to let bygones be bygones?—It was so upon the last election, the one previous to that we went as far as to get up evidence for a petition against the sitting Members.

1897. Mr. *Brand.*] You have been asked several questions with regard to the practice of systematic canvassing, and you object very strongly to it; has it occurred to you that the adoption of secret voting would tend to diminish that practice?—I think it would.

1898. Sir *George Grey.*] I think you said that at one election, which you called an extraordinary one, since 1865, no bribery took place?—At the extraordinary election in December 1866, where there was no money spent on either side, and we polled more than two to one.

1899. What was the total number of votes polled in the whole election out of the constituency?—Two hundred and twenty-eight out of 553.

1900. Is not that much below the number that ordinarily polled?—Yes, very much below the number.

1901. How do you account for the small number of voters that polled on the only occasion when there was no bribery?—On account of the absence of money.

1902. Do you believe that if bribery were stopped, the municipal electors would not take so much interest in the elections, and would not poll in such large numbers?—In the case of those people who now refrain from voting from want of money, if it was known that there was none to be got, the probability is that they would record their votes in the ordinary way.

1903. You said that you did not hold any of your meetings in your ward at public-houses; is that the common practice in Liverpool, or does it apply only to your side in that ward?—There are some other wards, I believe, that hold them at private houses; we find it answer our purpose very much better, we gain a more industrious class of working men; we have a number of teetotallers upon our committee.

1904. But has the usual practice in Liverpool, both at the municipal and the Parliamentary elections, been to hold committees at public-houses?—It has been usual, speaking generally, to hold committees at public-houses, previous to the last Parliamentary election. We had no wards where their meetings were held at public-houses at the last Parliamentary election; in all the 16 wards their committee-rooms were in private houses.

1905. Do the wards exist for the purpose of the Parliamentary as well as the municipal elections in the arrangements made by each party?—They are rather more subdivided, and made into polling districts for the Parliamentary elections.

1906. You spoke of a good deal of drunkenness habitually occurring at those elections; does that apply both to the municipal and to the Parliamentary?—Yes, to both.

1907. What do you suppose would be the effect of closing all the public-houses during the Parliamentary and the municipal elections?—I believe that the closing of public-houses from 6 o'clock the night before the election to 6 o'clock at night on the day of the election would be a very great boon to the public; it would put a check to drunkenness, and tend to promote morality.

1908. Will you state why you object to the nomination day?—It merely affords an opportunity for men to show a greater amount of bad feeling.

1909. Supposing there is a mixed meeting at which

Mr. *T. Trippier.* 16 April 1869.

which the candidates appear to express their opinions, how does it differ in that respect from the nomination day?—From my experience on the days of nomination there are often very unseemly sights indeed, and they would be far better done away with; and I do not see why we should have more tumult than takes place at the municipal elections.

1910. What has taken place at the Parliamentary elections at Liverpool which makes you wish to see the nomination days given up; have the proceedings been very disorderly?—Very disorderly; if you happened to be half a dozen yards from the speaker you could not hear what he said; it has been all dumb show.

1911. Did not the different candidates address public meetings at the same time previous to the election?—Yes.

1912. Did you attend those meetings?—Yes.

1913. Were those of the same character as the nomination meeting?—No, we had very little interruption at our public meetings.

1914. Were they mixed meetings, politically speaking, or were they meetings of the supporters of the respective candidates?—Generally speaking, of the supporters of the candidates.

1915. Then there would not be likely to be so much disturbance?—We did not exclude the Conservatives. For instance, I myself am very friendly with Conservatives, and I took one or two of them with me to try and make converts of them if I could.

1916. Did any mixed meetings take place at which the opposing candidates appeared and subjected themselves to questions as occurs at the hustings?—At the public meetings that we had, anyone was quite at liberty to ask the candidates any question; in fact, an opportunity was generally given for it by the chairman, who would say that if anybody present wished to ask the candidate any question he could do so.

1917. You do not attribute the evils which you think attach to nomination days to drunkenness, but to party feeling?—To party feeling.

1918. Are the nomination days in Liverpool always of the same character, so that none of the candidates can be heard?—I have generally been upon the hustings, and at the last occasion I only stood a very short distance from Mr. Graves, but I could not hear all that he said in his address.

1919. Does the nomination take place out of doors or in-doors?—The hustings is covered, but it is out of doors; it is a temporary erection for the occasion.

1920. What number of people do you suppose were present?—Many thousands.

1921. Do you think it would be a proper thing to abolish the nomination day, and to give the constituency no opportunity of seeing the candidates together?—Yes, it would be far better to do so than to continue the unseemly sights that we now have.

1922. Mr. *Villiers.*] You do not mean to imply that yours is the worst ward, or the only bad ward, in Liverpool, do you?—No, but there are not many others quite so notorious as our ward.

1923. You do not mean to say that the same practices are not resorted to in other wards that there are in yours?—In some of the other wards they are. The town is divided into 16 wards.

1924. Generally speaking, what you have been speaking of to-day is the practice in Liverpool at the time of elections?—Yes, exactly so.

1925. When you say that a person who is a resident of Liverpool has a better chance than a stranger, do you think that that is independent of his character, and is simply owing to the influence which he can bring to bear upon the electors?—I do not know that it would be entirely dependent upon his character; but if he was a suitable man, and there was no stain upon him, I think being a local man he would have a far better chance than a stranger.

1926. You say that Mr. Massey had not so good a chance as Mr. Rathbone, because he was a local gentleman; that is, because Mr. Rathbone was very much respected in Liverpool, is it not?—I think Mr. Rathbone had a better chance over Mr. Massey on account of being a local man. They knew him and his family, and he was very much respected; in fact, all the family have been very highly respected.

1927. But you do not connect that with undue influence?—No, I do not.

1928. Mr. *Fawcett.*] Do you think that it would conduce to the purity of elections if it were made illegal to hold public meetings or committees at public-houses or hotels?—Yes, I think it would greatly conduce to the purity of elections.

1929. Do you think there would be any practical difficulty in preventing them being held at public-houses?—I think there would be very little practical difficulty in preventing it. We find it answer our purpose to hold meetings in private houses.

1930. There are plenty of places, are there not, in such a town as Liverpool to give the candidates a fair opportunity of speaking, even if they did not speak at public-houses?—Yes.

Mr. WILLIAM JOHNSON, called in; and Examined.

Mr. *W. Johnson.*

1931. *Chairman.*] I BELIEVE you live in Liverpool?—I do.

1932. In what business are you?—I am a flour dealer.

1933. In what ward do you live?—In the north and south, Toxteth.

1934. Have you a shop in Toxteth, north and south?—I have two in each.

1935. Do both the wards touch each other?—They do.

1936. Do you know what number of municipal voters and Parliamentary electors they contain?—We have in the united wards 2,415 municipal voters, and 6,680 Parliamentary voters.

1937. What is the character of the voters?—In the neighbourhood of the docks it is densely populated with the lower working classes; that is to say, the South Ward in particular; and in the remainder of the wards, the middle class, the shopkeeping class, chiefly reside.

1938. Have you taken much part in the municipal or the Parliamentary elections?—Not an active part till recently, these last seven years.

1939. How long before you took part in them actively had you observed them?—I have watched them these last seven years, both the municipal and Parliamentary elections.

1940. What opinion have you formed about those

those municipal and Parliamentary elections?—I believe that every municipal election during that period, with one or two exceptions in the North Ward, has been altogether corrupt.

1941. Are you only speaking of the elections in those two wards?—I confine myself to those two wards.

1942. In your opinion, has that corruption increased or decreased of late years?—It is decidedly increasing.

1943. Can you say that positively, or is it only surmise?—Positively from personal observation.

1944. Do contests take place at every election?—Not all.

1945. I presume that no money is spent, except when a contest takes place?—Except when a contest takes place, no money is spent.

1946. How have you been able to ascertain this?—By seeing the money paid.

1947. Have you with your own eyes seen it paid?—I have.

1948. Did you observe the election of 1867?—I did. In 1867, a brewer, who owned a large number of public-houses in the neighbourhood, stood for South Toxteth, and bribery on that occasion was done by drink tickets and by money. The drink tickets were given to the canvassers some days before, and also during and after the election; the ticket had a motto upon it, and on presentation at certain public-houses, drink could be had in exchange. I saw several voters with several tickets in their hands, with the motto upon them, "Little pigs make the best pork." That arose out of the circumstance, I believe, of the guardians eating the pork at the workhouse.

1949. Were those tickets much made use of?—They were very freely used.

1950. You saw them used?—Yes, I saw them; customers complain frequently at my shops that those elections send their husbands on the spree for weeks afterwards, and it was notorious that for a week or 10 days drunkenness was in excess in that quarter of the town. I believe, on that occasion, at least one third of the voters were bribed, either by money or drink.

1951. By one side, or by both sides?—By both sides on that occasion.

1952. Can you form any opinion of what sum was spent by the successful candidate, the brewer?—It is currently reported that it cost the successful candidate 1,100*l.*; but the increased custom at his public-houses was such that he got something for his outlay.

1953. You do not mean to say that he was not out of pocket?—He was not out of pocket, as current report says, and I believe it came from himself.

1954. Do you mean that the voters drank great quantities of beer in addition to the quantity mentioned on the tickets which had been given?—Yes, I do, for weeks afterwards his houses were thronged for nights and days.

1955. By whom was this brewer opposed?—By a Liberal chemist and druggist.

1956. Did he spend much money?—I believe his party did; that was in 1867.

1957. In that case the corruption was practised chiefly by means of drink tickets?—Drink tickets and money.

1958. The chemist, I suppose, bribed with money?—I suppose his party did.

1959. Sir *George Grey.*] Did they give no drink tickets on the other side?—None whatever, to the best of my knowledge.

1960. *Chairman.*] Can you state any particulars of the election of last year?—Yes; the candidate last year was not a brewer, and the corruption on that occasion was chiefly by money.

1961. Did you see anything of the way in which the corruption was practised?—Yes, I did; as the voters went to the polling-booth they were directed by one of an organised staff to go to a certain house close by, and there they were shown into a room where the candidate's son was seated at a table with a bag of money.

1962. Did you see this?—I saw the parties going in, and I saw them come out with the money.

1963. You were not in the room, I presume? I was not in the room.

1964. But you saw them come out with money in their hands?—Yes, I did, with money in their hands, some hundreds of them.

1965. Do you know under whose management those arrangements were carried out?—The arrangements were carried out by one of the assessors of the ward, who sat in the polling-booth along with the presiding alderman during the day.

1966. Will you explain how those arrangements were carried on under the management of an assessor, who as I understand was seated in the polling-booth?—The arrangements were all made previous to that; but even in his capacity as assessor he told a party in my presence (as I was chairman of the Liberal candidate I went to the polling-booth) to go to the next door, where money was being paid.

1967. He sent on the voters to the place where they could get money?—Yes, several he sent on; but there was a party there outside, one of the canvassers on his staff whose duty it was to take them to the door.

1968. Can you form any opinion how many out of the whole number of voters were bribed at that election?—There were 544 votes recorded for the successful candidate, and I am morally certain there were 500 that received money.

1969. And of those you saw a large number that had received the money?—Yes, I saw them with the money in their hands; I watched the whole of the day.

1970. And did this bribery go on on both sides at that election?—There was none whatever on the opposite side; it was our condition that there should be nothing of the kind.

1971. How many did the unsuccessful side poll?—One hundred and thirty-four.

1972. What sums did you see paid at this election?—I did not see any paid; but I saw some that had been paid 5*s.*, 7*s.* 6*d.*, and 10*s.*

1973. Were any proceedings taken in consequence of those practices?—After the municipal elections last year there was a public meeting called for the purpose of taking into consideration the best means of putting down bribery and other corrupt practices at the municipal and the Parliamentary elections, and I was elected a member of that committee.

1974. Was that a ward meeting, or a town meeting?—A public meeting of the town in the Law Association Rooms in November immediately after the elections. The bribery was so very extensive that it was thought necessary that there should be some steps taken to put a stop to it.

Mr. *W. Johnson.* 16 April 1869.

it. From the information that I had, I communicated with several members of that committee, and steps were taken to institute an inquiry; we found that there was sufficient evidence to proceed against the candidate's son, and we summoned the candidate's son under Mr. Cross's Act for the 40 *s.* penalty, and a verdict was obtained; I have the report of the trial here from various newspapers; the penalty was 40 *s.* and the full costs of the suit.

1975. Sir *George Grey.*] What did the costs amount to?—I have not ascertained that; in fact it is not known yet.

1976. *Chairman.*] Did it cost your committee anything?—Yes, a considerable sum, but that is not known; in fact, it required a very large sum in order to get witnesses and to get information; I gave the parties names, and there was a person employed to get up the evidence.

1977. You cannot tell the Committee what sum it has cost or will cost the Liverpool committee?—I cannot. The secretary, who is also a solicitor, was asked what would be the amount, and he said he did not know exactly, but it would be very considerable, more than the committee thought of.

1978. What do you expect it will be?—Really I have no idea; I could not form an idea.

1979. Would it be more than 100 *l.*?—I should think it would be 100 *l.* at least.

1980. Did you only prosecute one person?—We only prosecuted one person, in order to test whether we could reach him by Mr. Cross's Act. It is now in consideration to go on with another, to prosecute the assessor who organised the whole matter.

1981. Do not you think that the same evidence that you used upon the one case would do upon the other?—I should think so.

1982. Has the result of that prosecution had no effect upon the councillor?—None whatever; he is still in the council, and has not resigned.

1983. You were not able, I suppose, to prove bribery against him?—We could not; not directly.

1984. And being unable to prove personal bribery against him, you could not remove him from the council?—We could not remove him from the council.

1985. You say that it is in contemplation to take proceedings against the assessor; has he since been elected overseer?—He has; he was elected by the vestry; myself and several other ratepayers went to the county magistrates and opposed him, and we were successful, as they did not consider him to be a proper person, being implicated in the manner he was, in the matter of bribing the South Toxteth Ward.

1986. But that has not yet been proved, has it?—It has not been proved against him; but his name came out so very prominently as being the moving spirit that he might have been the defendant instead of a witness, as he was obliged to be.

1987. Does his name come prominently forward in these reports which you have of the trial?—It does, very prominently indeed.

1988. Then, from the fact of this gentleman being elected to the office of overseer, it does not appear that his proceedings at this election met with any very general reprobation?—His election was effected in such a manner that it was rather suspicious, because the night before, he got his party who assist him in these elections to go round and beat up the ratepayers; I will not say to fill the room entirely, because there was plenty of room, but there was a certain number that never would have been there had they not been canvassed the night before.

1989. When did his election as overseer take place?—In the first week in April, this month; and he has since been returned as a poor law guardian; I heard of that this morning.

1990. Would that gentleman have anything to do with the preparation of the lists?—The overseers have the entire supervision of the lists, and I think that he is not a proper person to be in that office.

1991. And he is not in, as I understand you?—He is not in; the magistrates would not ratify his appointment.

1992. Were those elections which you have described conducted peaceably or otherwise?—At both the elections the polling-booths were blocked by the treated and bribed voters; so much so that no respectable persons could really go and record their votes; that is to say, if they were known to be of adverse politics; but their own party were always led up by one of this organised staff, and the crowd immediately opened and let them pass, but no one else was allowed to pass.

1993. Was any violence used?—None whatever, except, of course, violence in the way of shouldering, and not giving way.

1994. Was there much drunkenness?—A great amount of drunkenness. On that occasion, the night before, I went to a certain public house where they held their committee. I went with one of their own party, and he showed me a room in which there were at least 60 or 70 people all absolutely drunk; and they were kept there during the night, and taken up in a body the next morning to vote; and those were the parties together with others that blocked the polling-booth.

1995. Have you taken any interest in the Parliamentary elections as well as in the municipal elections?—I have of late, since our esteemed Member, Mr. Graves, was returned the first time.

1996. Do you consider that there is any connection between the municipal elections and the Parliamentary elections?—I do, for this reason: they have an organised staff, and the same parties, almost without an exception, who conduct the municipal election every year are there to conduct the canvass for the Parliamentary election; and I know of my own knowledge, that parties whom I have spoken to on the last election, on being asked how they were going to vote, said that they were going to vote for the people that gave them money; I said, "There is no money to be given on this occasion, it is a very dangerous thing"; and the reply was, "If we get money every November we shall give our votes to those who give us money in November"; and that is why I think the municipal election have very great influence upon the Parliamentary elections.

1997. You do not think that there was any bribery at the Parliamentary election?—I do not think there was any bribery; there was perhaps a little coercion and intimidation.

1998. Do you think that the bribery that was practised at the municipal election had an effect upon the Parliamentary election?—Yes, decidedly.

1999. Can

1999. Can you tell the Committee anything as to the system of bottling at the Parliamentary elections?—No, I cannot.

2000. Is the system of bottling carried on in the municipal elections?—Yes, I have seen it. I have seen, as I have just said a short time ago, the night before the election of 1867, 60 or 70, or perhaps more, parties in the room who were I may say beastly drunk, nothing better, and they were kept there until the morning, when they had a breakfast and were taken up to the polling-booth in a body.

2001. Were they induced to stay there, or were they locked up?—I do not know whether they were locked up, but there was a party who was in charge at the door keeping them there. I heard that they were locked up, but that I cannot say for a certainty.

2002. You were able, were you, to go in yourself?—No; the door was opened to me to show me the number that they had ready for the morning.

2003. Did you belong to any party in that election?—I did not, and I do not. I am of no party. I have plumped for my friend Mr. Graves, and I have voted the opposite side. I have no strong feeling in politics; all I want is to see this corruption and bribery done away with.

2004. Are you in favour of closing the public-houses on the day of the election?—Decidedly.

2005. Are you also in favour of forbidding the use of public-houses for committee-rooms?—I think that it would have a very beneficial effect if committees were not held in public-houses, because it is a matter of impossibility that either the central committee or the candidate himself can prevent indiscreet people from treating. I think it has a very injurious effect, and I have seen a vast amount of drunkenness arising from committees being held at public-houses.

2006. Do you think that public opinion in Liverpool would sanction such a change of the law as to prohibit the use of public-houses for this purpose?—I think so. I was speaking to some very strong partisans who were very actively engaged for Mr. Graves at the last election, and they were decidedly of that opinion.

2007. Is that feeling shared by respectable persons on both sides?—Yes, by respectable persons on both sides.

2008. But amongst certain of the lower class who are open to bribery or treating, it would be unpopular, would it not?—I think it would be unpopular with them.

2009. Have you formed an opinion with regard to open or secret voting?—I have been coming these last four or five years to the conclusion that really secret voting would be better than open voting.

2010. What has induced you to come to that conclusion?—I have known a vast amount of coercion and intimidation in former times, and even at the last borough election in Liverpool, which was one of the purest we have had, it was considerable. I know an employer of labour who had something like 23 voters in his employ; and, the night before, the foremen went to the works and told them that they must vote for Mr. Graves and Lord Sandon, and out of this lot of 23 I believe there were 18 holding Liberal opinions, and they were taken up the next morning in a body by a junior member of the firm. Two absolutely refused to vote, and there was quite a scene at the polling-booth; the others recorded their votes; but two that they thought had voted for Mr. Graves and Lord Sandon actually voted for Mr. Massey and Mr. Rathbone unknown to them.

2011. How would they poll unknown?—They put in their voting cards; they had in their pockets Graves and Sandon's card, as well as Massey and Rathbone's card, and they put in Massey and Rathbone's card.

2012. How do you know that this took place?—By one of the men, who told me the following morning. I met the employer that day and taxed him with it. At first he pooh-poohed it; and I said, "Well, I have had it from very good authority"; and, after a little conversation, I could see that he was somewhat flurried in the face, and I said, "I am afraid it is too true." As we were talking, another friend, a mutual friend of both of us, came up, and I continued the conversation, and at last he admitted it. He said, "Well, it is only what has been done on the other side." I said, "I do not know what has been done on the other side"; but I said, "You are the last man in the world that I should have thought would have taken an advantage of any man." I said, "I have got parties in my own employ, and I never asked who they were going to vote for. I know three of them voted for Mr. Graves and Lord Sandon, and three or four voted the opposite way; but I never asked who they were going to vote for"; and, as I say, he admitted that such was the case.

2013. Do you know what happened to the two who refused to vote, and the two who voted the other way?—I do not.

2014. You do not know whether the employer took any steps against them?—I saw another member of the firm, and I was telling him the names of those who voted the other way, and he said, "The scoundrels for turning traitor, I will kick them out of the place."

2015. But you do not know whether he carried his threat into expectation, or not?—I do not.

2016. In consequence of those things, you are now an advocate of the ballot?—I am.

2017. Do you think that the large extension of the Parliamentary franchise has made the ballot more or less necessary at Liverpool?—I think that it has made it more necessary; I think that without the ballot the extended franchise is a mockery, because there are a class of people who must be under coercion, for employers of labour have very great influence upon them, particularly in times like the present slack times. In fact there is another instance that I could mention, in a commercial business along the line of the docks, where a man told me the night before the election that he was going to vote for Massey and Rathbone, as I was striking off the sheet I saw this persons name, and I was certainly astonished when I saw that he recorded his vote for Mr. Graves and Lord Sandon. On the following day I saw him, and I said, "I understood you to say, when you came to the committee-room last night in Park-place, that you had been canvassing the whole night, and that you were going to vote for Massey and Rathbone, and here I see that you voted the contrary"; he said, "Who told you that"? I said, "I saw your name; I scored your name off on the poll sheets." "Well," he said, "to tell you the truth it was my intention to have voted that way up to 10 minutes to 12 that day, but the foreman came

Mr. *W. Johnson.*

16 April 1869.

came to me; of course I could see how the wind was blowing, and he said, if I did not vote for Graves and Sandon, I should be the first that would go; we were very slack, and I felt satisfied that I should have to be turned away." That was another instance.

2018. Were you a member of Messrs. Massey and Rathbone's committee?—I was not; I was chairman at the last municipal election for the Liberal candidate, but not at the Parliamentary election.

2019. Mr. *Fawcett.*] You plumped for Mr. Graves, did you not?—Not on the last occasion, but on the former occasion.

2020. *Chairman.*] How did you vote at the last Parliamentary election?—I voted for Messrs. Massey and Rathbone; in 1865 I plumped for Mr. Graves.

2021. Have you any reason to suppose that the practices which you have described are entirely confined to one side, or are the others equally guilty?—They have been on both sides; but on the last occasion I took the degree of chairman of the Liberal candidate on condition that there was not the value of a hair of my head given in bribery, and that there should only be legitimate expenses.

2022. But it is probable, is it not, that such coercion and intimidation as you have described is not confined to one side, but takes place on each side?—I believe so.

2023. Mr. *Fawcett.*] When you said you were chairman and there was no bribery, you meant at the municipal election, not the Parliamentary election?—Yes, at the municipal election last November.

2024. *Chairman.*] Has any intimidation or pressure exercised by workmen on one another come under your notice?—Not under my immediate notice; I have heard of it, but I cannot speak of it from personal knowledge in Liverpool during the last election.

2025. Mr. *Villiers.*] You say, do you not, that there was no money given at the time of the last Parliamentary election?—I believe not; I have not heard of any.

2026. But it is either money and influence at the municipal election, or coercion and influence at the Parliamentary election, and you say that that is pretty general?—It is.

2027. What is the class of persons that you refer to as receiving money at the elections; are they a very low class?—They are a very low class of persons.

2028. Do they live in cellars, or in rooms?—In cellars and courts; I may say they are the mass of the dock labourers and the working classes in general.

2029. But are they rated?—Yes, they are what are termed compound householders, and those that are rated directly.

2030. If they are on the rate-book they are entitled to vote, are they not, if they have resided long enough?—Yes; three years is necessary for the municipal election.

2031. And it is the same with respect to the Parliamentary, wherever they live, whether it is in a cellar or a garret, they have a vote?—Yes, if the rating is sufficient, they have.

2032. There is no qualification?—Yes, they are qualified by being rated.

2033. Were you present at the time of the proceeding in the county court that you have referred to?—I was.

2034. What was the nature of the evidence; that is to say, of what class were the witnesses?—There was one Patrick Dean, who was a labourer living in a court in Darnley-street, Toxteth Park.

2035. Were they persons who had received money?—Yes; this party is considered to have very great influence over his neighbours; he is, I may say, a kind of foreman of the lumpers. The agent of the Conservative candidate made an appointment with him, and it was agreed to give him so much money, as much as he got the year before, namely, 30*s.* for himself and 15*s.* per man for every man that he brought up.

2036. And this man was procured as a witness?—Yes, and he gave evidence of all those practices.

2037. Do you know whether there was any difficulty in obtaining such evidence?—Yes, there was very great difficulty in getting witnesses, inasmuch as the Conservative ward assessor, who had arranged the whole machinery, endeavoured to get them away. He got some of the witnesses away by paying them a certain sum of money, and allowing their families so much per week while they were away; but this man he could not get out of the way, though he had had 12*l.* offered to him, and I think he told me 30*s.* a week for his wife and family as long as he was away.

2038. But there was no money offered to him to give evidence, was there?—No, there was no money offered to him to give evidence.

2039. You find that it is not difficult to get evidence from people who take money in this way?—No, not at all; they look at it as a matter of right, it is done so openly.

2040. They probably do not believe it to be an offence against the law?—No, they do not.

2041. With regard to the settling of the lists of the voters at the municipal elections, did you say that the overseer prepares them?—He does not prepare the register; he has a supervision over the register.

2042. The municipal lists are revised, are they not, by the mayor, or some person in authority?—They are revised.

2043. By whom are they revised?—There is a revising assessor.

2044. Is there an assessor retained for that purpose?—Yes, I think so.

2045. Who was the person that you described as the assessor who was with the returning officer, is he a public authority?—No; he is a boot and shoemaker.

2046. Was he thought of sufficient importance to judge of the validity of the votes?—Yes, he is a very important man, because he managed the whole affair for the party, and has done for years; I have heard him say, only give him the money and I will put anyone in the council he thinks proper.

2047. What was his duty near the returning officer on that occasion?—To see the parties record their votes, and see that their number corresponded with that on the register; to read out their names, and have them passed over to the presiding alderman.

2048. Was he paid for that purpose?—I believe not.

2049. Who was the returning officer?—The alderman of the ward is the returning officer.

2050. The alderman of the ward was perfectly cognisant, was he, of what was doing?—Yes; he gave evidence on the trial, and he stated so.

2051. You

2051. You stated, did you not, that the assessor told the people where they were to go and get the money after they had given their votes?—On several occasions, and the alderman immediately got up and checked it; he said he would not allow anything of the kind.

2052. Is the alderman a magistrate?—He is a borough magistrate, and, I think, a county one also.

2053. You alluded, did you not, to some gentleman who gave drink tickets who was a brewer?—The assessor had charge of the tickets, and he was the secretary for the brewer.

2054. Was the brewer a magistrate?—No.

2055. He was in the council, was he not?—He is now; but he was not in at that time.

2056. Does he appoint the police?—I really cannot answer that question.

2057. Is it not a committee of the council that appoint the police?—Yes, I think the Watch Committee do that.

2058. This brewer has public-houses, has he not?—Yes, he has a great number.

2059. And he is supposed to have recouped himself by the custom that he got?—It is currently reported that he did so.

2060. Was it beer-houses or public-houses that he had?—Licensed public-houses.

2061. Who grants the licenses?—The magistrates.

2062. You are not afraid, are you, of the same practice going on if you had the ballot in voting?—I do not think it would be possible that they could go on in a manner they have been; I do not think people would pay their money on an uncertainty.

2063. And if they did pay the money, you say that people are pretty ready to come and give evidence afterwards that they have received it?—Yes, in this case they were ready.

2064. Do you know anything of the other wards in Liverpool?—I do not, I merely confine myself to the wards that I have an interest in; I have not meddled with the other wards at all.

2065. Is it the general report in Liverpool that there are the same practices in all the other wards?—Not in all the other wards; I believe there are some that the corruption does not extend to, but there are others quite as bad as Toxteth Park.

2066. What are the wards where those practices do not exist?—I should think Abercrombie Ward would be one.

2067. Are there a particular class of residents in that ward?—I may say they are the better class of residents.

2068. But in the wards where this very low class of persons live there are generally those corrupt practices?—Yes.

2069. Have you communicated with other people upon the subject of the ballot?—I have.

2070. Do they agree with you?—I was speaking to several the night before last who are very strong partisans and members of Mr. Graves' committee, and they have come to the conclusion that the time has arrived when we must have the ballot, several have expressed themselves strongly in that way.

2071. Mr. *Graves.*] Could you give the number of votes that were polled in 1867?—No, I could not give the number exactly; in 1867, as near as I can remember, there were something like 500 recorded for the successful candidate and about 150 or 160 for the unsuccessful one; upon the last occasion there were 544 for the successful one and 134 for the non-successful one.

2072. Do you happen to know what the majority was in the last Parliamentary election for the Conservative candidate in your wards?—No, it was considerable; it was something like 1,000 in one ward and 800 in the other; I now speak from memory.

2073. Do you mean that there was a majority for the Conservative candidate of 1,800 in the two wards?—Yes, there was a great majority.

2074. I think you said that there were 500 men who were corrupt, and voted from corrupt influence in the municipal election?—I did.

2075. You have also said that you considered that the municipal election exercised a direct influence upon the Parliamentary?—Yes.

2076. Looking to the fact that there had been 1,800 majority in those wards for the Conservative candidates, do you consider that the 500 corrupt voters (for you confine it to that number) had any influence whatever upon the result of the majority?—Yes, some influence, but not to the extent of 500.

2077. Then you still further modify it?—Yes, I would say not to the extent of 500, because I know such was not the case, but it had a very great influence; the same parties that voted Conservative last November voted for the Conservative candidate at the last Parliamentary election.

2078. You do not wish the Committee to understand that the majority of 1,800 was composed of more than 500 of those men whom you consider influenced by corrupt motives?—Not at all.

2079. You have, I think, led the Committee to believe that the last Parliamentary election was, on the whole, as pure, if not purer, than any that had preceded it in your experience?—Than any that I have experience, it was.

2080. Do you consider that that was at all attributable to the fact that a very stringent Bribery Act was hanging over the town?—Yes, I think so.

2081. Then, you think that that had a direct influence in stopping bribery?—I think it had.

2082. Might we not argue from that, that if we had also a similar stringent Act with regard to municipal elections, it might exercise some deterring influence upon corruption at the municipal elections?—I think so; I think there ought to be a public prosecutor, and the facility ought to be very great for arriving at something definite a short time after the election.

2083. You think that there ought to be greater facilities given for making amenable to justice anyone who had so offended against the laws?—Yes, I do think so.

2084. With regard to the question of the sufficiency of polling places for a large community like Liverpool, I think there were 21 polling places at the last election, and there were some 38,000 or 39,000 people who voted; did it occur to you at all that there was a great insufficiency of polling places, owing to the fact of the large number of working men who are now on the register?—At the last Parliamentary contest I was shut up in a room the whole day, busy occupied in scoring the poll-sheets as they came in; but I can speak to the municipal elections, and I can say that, in large wards, the facility is not sufficiently great for the people to record their votes; I have experienced that on several occasions in large wards.

Mr. *W. Johnson.*

16 April 1869.

2085. Do you think if there were more polling places you would have many more voters?—Decidedly; I know that on the last occasion, I may say, scores of my friends and neighbours went away because they could not get near the polling-booth in consequence of its being crowded; and, of course, it was blocked for the purpose.

2086. Do you not consider that multiplying the number of polling places would rather increase the facilities for improper practices?—I do not see that myself; I think the danger is all over when it comes to that point; I think the evil has been done before that.

2087. You do not think that would have much influence one way or the other?—I do not see myself that it would; it would not do away with either intimidation or bribery.

2088. Have you formed any strong opinion with regard to the sufficiency or insufficiency of the number of polling places at the Parliamentary elections, for the purpose of giving more facilities than at present for working men to vote?—I have not; but I have formed a strong opinion upon that point, with regard to the municipal elections, because I have noticed them more than the Parliamentary.

2089. Mr. *Fawcett.*] Was there much treating at the last Parliamentary election at Liverpool?—I think not; I did not see anything of it.

2090. In reply to the Chairman, you said that it would be advantageous to prohibit committees being held in public-houses, do you think it would be equally advantageous to prohibit public meetings being held there during the election?—I would have no meetings at all held at public-houses, there are sufficient opportunities to hold meetings without public-houses.

2091. Holding meetings at public-houses often leads to treating, does it not?—It does, decidedly.

2092. Therefore, if you forbid committees and meetings being held at public-houses, you do much to stop treating?—You do.

2093. Have you paid canvassers in Liverpool?—Yes, there are paid canvassers.

2094. Both at the municipal and the Parliamentary elections?—The same staff are generally employed for the one and for the other.

2095. Do you think that the fact of employing paid canvassers tends to make the election impure?—I do; I think it is a very bad system.

2096. Should you have any objection to forbid the employment of paid canvassers?—I should have no objection; I object to paid canvassers altogether.

2097. And you would welcome a law to forbid them?—I would.

2098. You do not think there would be any practicable difficulty in carrying it out?—I think not.

2099. Have you any idea what is the average expense of a Parliamentary election at Liverpool?—I have not any idea.

2100. It would probably be many thousand pounds on each side?—Yes, no doubt.

2101. Do you see any means, besides forbidding the employment of paid canvassers, of diminishing the expenses of Parliamentary elections?—I think we ought to do away with cabs.

2102. They are done away with in boroughs, are they not?—Yes, they are.

2103. By shutting up the public-houses on the day of the polling, and forbidding meetings and committees at them, that would also diminish the expenses?—Yes.

2104. And forbidding paid canvassers also?—Yes.

2105. The expenses are so large now that none but a very wealthy man can have a chance, I suppose, of standing?—None but a wealthy man.

2106. Do you think there would be any objection in the town to throw the necessary expenses of conducting a Parliamentary election upon the rates, in the same way as the municipal expenses are now thrown upon the rates?—I cannot answer that; I have heard that subject broached, but I really do not know as to the feeling of the town. I have no opinion upon it.

2107. Sir *Michael Hicks Beach.*] What is the number of the Parliamentary constituency of Liverpool?—I think nearly 40,000.

2108. Are they nearly all residents?—I should say so, or the greatest portion of them.

2109. Do you think it would be possible to canvass them properly without paid canvassers?—I think so; I think volunteers would be quite sufficient.

2110. With regard to not holding meetings in public-houses, I presume in Liverpool you have large rooms where meetings could be held?—Yes; there is every facility in the shape of large rooms for holding meetings.

2111. Has it ever occurred to you that there might be a good many places in the country where no large room could be found except at a public-house?—Yes; no doubt that would be so in the country, but not in the borough of Liverpool.

2112. Do not you think that there might even be parts of the metropolis where no public room could be obtained except at a public-house?—I am not so well acquainted with the metropolis.

2113. Your answer simply applies to what would be practicable in Liverpool?—It applies to Liverpool only.

2114. Can you tell me whether it is legal to pay for the conveyance of voters to the poll at the municipal elections?—It is legal at the municipal elections, unfortunately.

2115. Is it the practice in Liverpool for the candidates to do so?—It is.

2116. At the last Parliamentary election, it was not legal to convey voters to the poll, but at the municipal it was; was the result that more voters polled at the municipal than at the Parliamentary election?—No, I think not.

2117. Was any arrangement made in Liverpool for the conveyance of voters to the poll at the Parliamentary election?—Not that I am aware of; but I have taken more notice of the municipal election, being interested in the wards.

2118. Did you take an active part in the municipal election of 1867 that you told us of?—I did not take any active part; I merely was an observer.

2119. Therefore, you can give us no facts as to the bribery which you spoke of?—Yes; I can give you a number of facts, although I did not take any active part.

2120. You told us some facts with regard to bribery on the side opposed to you at that election; but none as far as I could learn with regard to bribery on your own side?—On the opposite side I know there was bribery; I have heard it from the parties themselves; in fact, I know where money was given.

2121. I understood you to say that in 1867 both sides bribed?—Yes, decidedly.

2122. But nothing came under your notice as regards

regards your own side?—I did not take any active part in 1867, though I know that there was money given.

2123. And yet you have given instances of money having been given, and how it was given on the opposite side?—Yes, I saw that; in fact, I saw several cases where money in the same open way was given on the Liberal side. In one case I know a man was called on one side, and told, "I will give you so much if you will vote for So-and-so."

2124. I understand that no prosecutions were the result of that election?—None whatever.

2125. Both sides being equally guilty?—Yes.

2126. Mr. *Locke.*] You stated, did you not, that there was a revising barrister at the revision of the list for the municipal election?—I believe that is so.

2127. Is not this the case that the revision of the list of voters is made by the mayor and two assessors in open court between October the 1st and October the 15th, 28 days' notice having first been given, and are not those two assessors persons who are employed by the mayor?—They are; the two assessors receive their appointment from the mayor.

2128-35. Then there is no revising barrister?—Now you call it to my mind, I was not quite clear about it; it is the mayor who is the authority at the municipal elections, and the two assessors.

2136. Every person whose name is inserted in the burgess list may object to any other person as not being entitled to have his name retained on the list?—He may object.

2137. He may do so on or before Septemher the 15th?—Yes.

2138. And he serves a notice, one on the town clerk and another on the person objected to; is that the rule?—I think so.

2139. He need not, I find, give the grounds of his objection?—No, he need not.

2140. Nor is he liable to costs if his objection fails?—I cannot answer that question.

2141. Those lists are published, are they not?—Yes, those lists are published.

2142. And then they are revised in the way that is stated in the Act?—Yes.

2143. Are you sure whether or not the candidates at the municipal election are permitted to convey voters to the poll?—I know that it is done; whether legally or otherwise I do not know; but I know it is done at the municipal elections.

2144. Was it done at the last municipal election?—It was.

2145. By conveyances?—Yes.

2146. Mr. *Staveley Hill.*] With regard to the trial in the county court, you say that you had a great deal of information from the person who used this undue influence over two or three voters?—Yes, from himself.

2147. You spoke to him about it, did you?—Yes, the party implicated told me that it was so.

2148. Have you seen him lately?—No, I have not seen him for several months.

2149. Did you think it worth while to mention to him that you were coming up to give this evidence?—I was not aware that I was coming till a day or two ago.

2150. Have you thought it worth while to tell him that you were going to state to the Committee that the conviction in the county court rested upon his evidence?—No, I have not thought of doing so.

2151. So that he may possibly want to contradict it?—He may.

2152. The expenses of a Parliamentary election in Liverpool are rather large, are they not?—I believe so.

2153. And necessarily large?—I should think so.

2154. Have you considered the question how far you would like to have those expenses thrown upon the rates?—I have not.

2155. What is your opinion with regard to that?—I cannot form an opinion; it is a matter I have not thought over, therefore I cannot give a correct opinion; in fact, I have no opinion upon it.

2156. Have you never heard the matter discussed?—Yes, I have heard it.

2157. In what way has it been discussed?—Some for and some against; some have advocated that the expenses should be paid out of the rates and others have held a contrary opinion; but I have never given any consideration to the subject.

2168. Do you think yourself that such a proposal would be generally well received?—That I cannot say. I know that the ratepayers are very tenacious about paying anything more than what they are really obliged to do; rates are very high at present.

2159. Do you not think they would be somewhat tenacious with regard to this large expense?—Yes, I am afraid so.

2160. *Chairman.*] You say that the number of Parliamentary electors is much larger than the number of municipal electors; are the boundaries contemporaneous?—Yes, I think they are.

2161. On the whole I suppose the Parliamentary voters are of a lower class than the municipal?—No, it is not that; the municipal electors change their residence very frequently, and destroying their residence throws them off the register; a municipal elector must have been a resident for three years, whereas, for a Parliamentary elector it is only 12 months; that is the reason, I think.

2162. Does not the class of Parliamentary voters comprise a lower class of persons than the municipal?—No; on the last occasion it was much the same class.

2163. Taking them as much the same, how do you account for the fact that bribery is very prevalent at the municipal elections, and hardly exists at all at the Parliamentary?—I attribute it in a great measure, as Mr. Graves observed, to the stringent law which was passed. I believe there has been money given at the Parliamentary elections in years gone by, but not of late.

2164. You would have some hopes of amendment if you had an alteration in the law?—I should have great hopes.

2165. But you are not prepared to point out exactly what alteration you would recommend?—I am not prepared to point out what alteration I should recommend.

2166. Sir *George Grey.*] To what is owing the great difference between the number of the Parliamentary and the municipal electors if the Parliamentary do not comprise a lower class than the municipal?—There were the compound householders; and perhaps the difference may arise from the

Mr. *W. Johnson.*

16 April 1869.

the fact that it requires three years' residence for a municipal voter to be put on the register, whereas it only requires 12 months for a Parliamentary voter; that will cause a very great difference, because in a place like Liverpool they are perpetually changing and re-changing their residences.

2167. That is the lowest class of voters?—Yes, the lowest.

2168. Are there not a large number of freemen?—There are many freemen, but not so many as there used to be; they are dying out. I do not think there are more than perhaps 300 or 400 at the present time, speaking from memory.

2169. Mr. *James.*] Do you think that the fact of bribery existing at the municipal elections, and not at the Parliamentary, may be somewhat traced to the fact that at the Parliamentary election there are more than 40,000 electors, whilst at the municipal there are a smaller number in each ward, and therefore they are more approachable to the bribe?—It has been looked upon that there was no law to reach parties for bribing at municipal elections; and that arises from this, that no doubt both parties have been tarred with the same brush.

2170. Do not you think that the largeness of the constituency in the one case, and therefore the impossibility of corrupting, has much to do with the absence of bribery at the Parliamentary elections?—I think not.

Tuesday, 20th April 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	Sir Frederick Heygate.
Mr. Brand.	Mr. Staveley Hill.
Mr. Bright.	Mr. James.
Mr. Cross.	Mr. Leatham.
Mr. Dalglish.	Mr. Locke.
Mr. Edward Egerton.	The O'Conor Don.
Mr. Graves.	Mr. Raikes.
Sir George Grey.	Mr. William Henry Smith.
The Marquis of Hartington.	Mr. Villiers.

THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. ROBERT STANLEY, called in; and Examined.

Mr. *R. Stanley.* 20 April 1869.

2171. *Chairman.*] Do you live at Staleybridge?—I do.

2172. Staleybridge has now a charter of incorporation, has it not?—It has.

2173. Have you had any experience of the municipal elections which have taken place at Staleybridge?—I have.

2174. Since when?—These last 20 years.

2175. Has Staleybridge had a charter for the last 20 years?—No, the charter was granted in 1857.

2176. How do you mean that you have had experience for the last 20 years?—We used to be governed by the Police Commissioners, previous to the charter of incorporation, under the Police Act.

2177. Have you had experience of the working of the municipal elections since their commencement? — Yes, since the charter was granted.

2178. Have you any facts which you wish to state to the Committee, in connection with those elections? — I wish to state this, that, as the elections are at present conducted, there is a great deal of intimidation, and a great deal of coercion used; and that, to some extent, the elections are a farce.

2179. Is there any bribery?—I am not aware of any bribery.

2180. Or treating?—Treating has been very prevalent.

2181. How has the treating been conducted? —Generally, for some weeks before the election, the voters have been enticed into public-houses and treated with liquor, and they have been talked over; and, in consequence of their treating, it has been a very common thing for them to vote for the parties who have treated them.

2182. Is that done at the expense of the candidate?—The money comes from somewhere. Of course I do not exactly say that it is from the individual candidates in the municipal election. Of course they have to pay a portion of the money themselves.

2183. Can you form any opinion as to the sums of money which have been spent in this way on the municipal elections?—The municipal elections have generally cost several hundred pounds, where there has been a contest in all the three wards.

2184. Do you mean several hundred pounds by each party?—It has come from one party more particularly than the other.

2185. Do those elections generally turn on political questions or local questions?—We have only had a Member for Staleybridge under the last Reform Act; but they have turned upon political questions recently, since it was likely that we should have a Member.

2186. Previous to that, they did not turn upon political questions? — Not upon political questions.

2187. You have spoken of the intimidation which prevails at these elections; will you state to the Committee what the nature of that intimidation is?—The overlookers and managers of the different mills have gone round to the men under them and canvassed them, and told them how they must vote; told them they must vote in the way that they wished them to do.

2188. Is that the universal practice?—It is carried on by one party almost without exception; it is very universal on one side.

2189. But you think it is not so universal on the other side?—It is not so much practised on the other side.

2190. Does this intimidation proceed any further than this intimation of the wishes of the master; are proceedings ever taken, after the election, against the workmen?—In many cases, if they vote contrary to the wishes of their masters, the men are discharged, and their families as well.

2191. Do you know of your own knowledge any cases in which workmen have been discharged?—Yes, many cases.

2192. So that the consequence is that the workmen do almost universally vote according to the wishes of their employers? — At some

Mr. *R. Stanley.*

20 April 1869.

men's mills there are very few of them that do anything else but vote as their employers wish them.

2193. Has the system of intimidation always prevailed since your recollection, or only since the borough got a Member of Parliament?—Always since I have had anything to do with public matters in Staleybridge.

2194. Before the elections assumed a political character was that the case?—Yes, before the elections assumed a political character.

2195. Does the system extend to any establishments besides private mills?—I have known cases in which the clergyman and the schoolmaster have been canvassed, and the clergyman has been told distinctly that he would make a mistake if he voted a certain way; he did so, and he found that the half-time factory children have since been taken from his school.

2196. Have you anything to state with reference to the intimidation of railway servants?—Yes, two of the leading men of one of the parties saw a number of the railway servants, and when they had used what influence they could in trying to persuade them to support their candidate they used threats towards them, but I should say that that refers to the Parliamentary election, as does the other case, with respect to the schools and the children.

2197. Do you consider that those municipal elections have any reference to the Parliamentary elections?—Since there was the probability that we should have a Member for Staleybridge, they have assumed that character, and the municipal elections have been fought upon the ground of influence in the Parliamentary election.

2198. Do those same practices prevail at the Parliamentary elections as in the municipal elections?—Yes, to a greater extent, I think.

2199. Do you believe that any bribery takes place?—Not to my knowledge.

2200. Or treating?—Yes, with respect to treating for the Parliamentary election there was a considerable amount of treating previous to the November municipal election, and when the time for it was gone by the treating was done away with in the interval between the municipal election and the Parliamentary election.

2201. Is it your opinion that the treating at the municipal election went on with a view to the Parliamentary election?—Certainly; that was the view we took of it, and the view that was generally taken.

2202. How do you account for its having ceased in the interval between the municipal election and the Parliamentary election?—I suppose the law is not so strict with respect to the municipal election; it seems to be the general feeling in our town that the law is not so strict with respect to the municipal election, and of course when the time for the municipal election was over, the Parliamentary law being very strict they appeared to wish it to take the form that this was done for municipal purposes only; that was the view that we took of it.

2203. Is any political influence exercised by the members of the town council?—Yes, they have canvassed the employés of the town council, accompanied by the surveyor, and they use a considerable amount of influence over them, and in some few instances the men have been discharged since, in consequence we suppose of their voting contrary to the wishes of the members of the council.

2204. Then it is an object in a political point of view for one party to obtain a majority in the town council?—It is.

2205. Have any legal proceedings been taken with the view of checking the practices which you have referred to?—When we heard of this intimidation being practised in the mills, we took out two summonses against two men employed as overlookers in authority in the mills for using intimidation to the men under them.

2206. Under what Act?—17 & 18 Vict. c. 102, s. 5.

2207. This was with regard to intimidation at the Parliamentary election, was it not?—Yes; there have been no proceedings taken in reference to the municipal elections at all, in the shape of legal proceedings.

2208. What was the result of those proceedings?—The cases were fixed for hearing a day after the Parliamentary election, and of course the parties taking the proceedings having won the Parliamentary election withdrew the prosecution because they did not want to carry on any ill feeling, or be revenged upon the men for what they had done, and so they withdrew the proceedings.

2209. Have any other proceedings been taken to stop those practices?—Yes; what was called the Anti-Screw Association was formed.

2210. Will you describe the nature of that society?—It was of this nature. The working classes subscribed among themselves in order to support each other in case they should be discharged, or advantage should be taken in consequence of the manner in which they gave their votes.

2211. When was that association formed?—The secretary of the association is here. I have not the exact date of it, but he will be able to answer that question; it was some weeks before the election.

2212. Has that association been successful in checking the practice to which you have referred?—To some extent it did encourage a number of the men to vote as they wished; and a number of them did vote as they wished to do, and the result has been that a considerable portion of them have since been discharged; not all together, but one or two a week. Some little trivial circumstance has been taken advantage of, and the men have been got rid of one or two a week. The Screw Association was in existence 14 weeks after the election, because it was found necessary to keep it on 14 weeks after the election.

2213. Is there any general desire in Staleybridge to put a stop to those practices?—Yes, on the part of the working classes; and I think that the tradesmen generally are very anxious that something should be done to get rid of this state of things.

2214. What do they suggest should be done?—For my part, I think that if we had the ballot in the municipal elections, it would be sufficient so far as they are concerned, and so far as the Parliamentary elections are concerned, if we had a public prosecutor, or some one that would take the responsibility of taking those cases up.

2215. Are you not in favour of adopting the ballot in the Parliamentary elections?—I am not personally.

2216. Why do you make a distinction?—Because the evil that would result in the municipal elections is comparatively small to what would result in the case of the Parliamentary elections;

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in the municipal elections, if it should be found that the wrong sort of men were chosen, it would be very easy for Parliament to remedy it; but in the case of the Parliamentary election, the thing would be more difficult, because there would be the same body; in fact, the body would have to reform itself.

2217. You think that if the ballot were employed in the Parliamentary elections, very likely the wrong men would be chosen?—That is my view of it.

2218. Still you desire that it should be adopted in the case of the municipal elections?—In the case of the municipal elections I think that it would be a great advantage.

2219. Is the constituency for the election of town councillors about the same as the Parliamentary constituency?—They are something similar, with the exception that the qualification is rather different; three years' residence, instead of one year's; in fact, the municipal election is more restricted than the Parliamentary election.

2220. Are the boundaries of the borough coterminous?—No; in the Parliamentary borough of Staleybridge, there is the township of Duckinfield included.

2221. Then the Parliamentary borough is larger than the municipal borough?—Yes; the Parliamentary borough is larger than the municipal borough.

2222. Will you give the numbers in each?—In the municipal borough the number is 2,377, and in the Parliamentary borough the number is 5,339.

2223. Will you explain to the Committee exactly, why you wish that the ballot should be adopted for the municipal elections?—I wish it in this sense, because the people can then really choose the best man.

2224. But I understood you to say just now, that there was great probability that they would not choose the best man?—However, they would choose men that they liked best, at all events.

2225. Why do you object to the ballot as applied to the Parliamentary elections?—Because I think that the result would generally be that a worse class of men would be chosen.

2226. You think that they would not choose the best men?—I think they would not choose the best men exactly.

2227. Do you think it better that a candidate at the Parliamentary election should be chosen by this system of intimidation, which you have described?—No, I wish some remedy to be adopted that would deter those men from using this intimidation.

2228. But the ballot is not the remedy which you would suggest in the case of Parliamentary elections?—No, it is not.

2229. Are you of opinion that in the municipal election, under the ballot, the best men would be chosen?—That is to say, the best men in a local sense.

2230. But you do not think that under the ballot, the best men would be chosen in the Parliamentary elections?—I do not think so.

2231. Mr. *Villiers.*] Are you a councillor yourself?—I have been a member of the council.

2232. What sort of persons, generally speaking, have been elected for the municipal council, or is there any objection to the persons that have been chosen under the present system in the municipal council?—They are very much under the influence of the great mill-owners at present, that is to say, the independent class of men are not chosen, unless they will support the views of a particular party; unless they are of a particular political creed they are rejected under the present system.

2233. Has there been any complaint of the way in which they have acted in the municipal corporation?—I cannot say that there has; I do not know that we can make any great complaint upon that ground, but we do complain of this, that they will not have anyone of the opposite political creed to their own, on the council, if they can possibly help it.

2234. Who do you mean by that?—The party who is at present in the majority, the Radical party, of course.

2235. You state that the electors are very much under the influence of the mill-owners?—Yes.

2236. Are the majority of the mill-owners of one complexion?—Yes, the majority of the mill-owners are of one complexion.

2237. Have you any reason to suppose that the people would choose better men for the council, than are now elected, if they acted freely?—Not at all; only they would be upon the other side in politics.

2238. So far as the municipality goes it would be the same, they would make a good choice?—Just so.

2239. You stated that those irregular practices take place in electing the municipal officers, because there is an impression that there is much less strictness upon the discovery of bribery in those elections than in the Parliamentary elections?—I do not know anything about bribery, but as far as intimidation and treating is concerned, the law is not so strict as in the Parliamentary elections; that is the impression in Staleybridge.

2240. But is that impression founded upon the law not having been applied, or upon the notion of what the law is?—Upon the notion of what the law is; in fact there never have been any proceedings taken in municipal matters, because people seem to think that they cannot do anything; that there is very little law for it.

2241. It was under that impression, and with a view to the Parliamentary election, that treating and other illegal means of influencing voters was increased in the municipal elections?—Yes.

2242. But they had the idea that there was greater strictness in the Parliamentary elections?—Yes.

2243. This is the first time, is it not, that Staleybridge has chosen a member?—This is the first time that a member has been returned for Staleybridge.

2244. Can you state upon what this notion of greater strictness was founded; was it that a more stringent law than had ever existed before had been passed that year, or was it from the notion that the judges would come and investigate the matter if there was any bribery?—It was from both together; both matters were talked about, both as respects the law and the fact that a petition could be lodged against the return of the Member.

2245. Do you think that it does influence the conduct and dealings of the voters, if they think they will be called to account for it; and they

Mr. *R. Stanley.* 20 April 1869.

are under the apprehension of being made subject to the law and are more careful in their conduct?—Yes, I should say so.

2246. The experiment never has been made, has it, with respect to the municipal elections, of enforcing any Act or law against them?—Not that I am aware of.

2247. Was there an inquiry after the last Parliamentary election as to what took place at that election?—There was an inquiry afterwards.

2248. There were illegal practices at the Parliamentary election, were there not?—Yes, but they were not practised by the persons against whom the inquiry was directed.

2249. Then there was no result from that inquiry?—No.

2250. You are acquainted, I presume, with the general character of the people there; have you any reason for supposing that they would not make a good choice of a Member if they voted freely, and not under influence?—My only reason is this: at present I have not the least doubt that the same man would be returned that is returned, but under the ballot I think that an inferior order of Members would bid for the support of the populace, by promising them certain advantages, and appealing to their self-interest; and that in many different ways a worse class of men would be elected to Parliament than there is at present.

2251. Would not that be more likely to occur in a local election, or, at least, in the election of local authorities?—No; because in a local election you cannot promise them anything; you cannot hold out to them any hope at all, except that the rates might be a little lower; that is all you can promise them; whereas in the Parliamentary election you can show them all the existing institutions of the country, and point out to them the wealth that exists, on the one hand, and the poverty on the other; and by so doing you can lead the working classes on to believe that they have a right to a share of the wealth.

2252. But the voters at Staleybridge are intelligent, and men of good character and conduct, and are not so easily deceived as all that, are they?—When you can make people look to their self-interest, it is very easy to frame excuses and to use plausible arguments, and so lead them to believe in the existence of a wrong.

2253. What is there to prevent men making those promises or holding out those hopes at present; any candidate may go into a place, may he not, and tell them all those stories?—Certainly; but then public opinion would set its face against him at present. At the recent election all the working men's candidates were rejected; under the ballot the House would be largely composed of men of that stamp.

2254. But you say that if those men's interests will determine their choice, you are afraid; but will not public opinion keep them straight under those circumstances?—Not under the circumstances of being able to give a secret vote.

2255. A man goes to a place and promises all sorts of things, and gains an influence over them by showing wealth on the one side, and poverty on the other, and those people you expect will believe him; why should not they vote for him now; is it nothing but the influence of the millowners that keeps them straight?—The fact is, we have had some little experience in these matters in our town; we have heard of people who have taken leading parts, for instance, with the operatives against the masters; but under the system of open voting, a man of that sort would have no chance at all, because the general influence of all classes of society, just above that of working men, as well as to some extent the fact of having to vote openly, would prevent them from supporting a man of that sort; while, if they could do it under a system of secret voting, people would be inclined to try the experiment.

2256. But do you mean anything else than that those people would prefer voting for such men, but they would be afraid of the influence of their masters?—I do not think they would at present; I do not think that people have got to that point yet; they have only recently had votes, and there has not been time for this influence to be used over them; there has not been time for this state of things to come into being, which I am afraid would come into being in case secret voting by the ballot was adopted, when there would be some chance of those men getting elected.

2257. You have had no experience at all to justify your opinion that they would make a bad choice?—No, not as far as experience is concerned; in fact, it is only an opinion, of course.

2258. But you are of opinion, are you not, that when people have a vote they ought to use it freely?—Certainly.

2259. They are assumed to be fit for it when it is given to them?—Certainly.

2260. In what way would you propose to control people; supposing that they had the open vote, you say that they ought not to vote for those men that they prefer; how would you make them vote for somebody else?—You cannot make them do anything of the kind; it is not right to make them do anything, only by using arguments, and trying to convince them that the other side is wrong.

2261. They have never voted for a man whose character is bad upon any occasion, have they?—No, not particularly so.

2262. What is the opinion of the people themselves; do they desire to have the ballot?—In the case of the operatives, I have no doubt that a great number of them wish to have the ballot at present.

2263. Have you any doubt that that is with a view to escape the influence that is used upon them at those elections?—Yes, that is the reason why they wish it, to escape this influence.

2264. You are of opinion that they ought to vote freely; is there any other way by which they would vote freely, but by the ballot?—My opinion has always been that people should form associations, as they did in this instance (in fact, I suggested the idea of this very association being formed), to support each other, and prevent this intimidation.

2265. That would enable them, you think, to vote for the man of their choice?—It certainly would do so; but then at the same time, a working man, even although you promise to keep him if he should be discharged, still feels an uncertainty; I know, as I had to do with these matters, that in the case of those very men in whose names we took out those prosecutions, we had great difficulty to get them to consent to be prosecutors, from the fear that they would be unable to get employment after; they thought that

that the society might not be able to maintain them as long as they remained out of work, and we had to use a great deal of influence, in the shape of persuasion, to get them to consent to those prosecutions in their names.

2266. That Anti-Screw Association has therefore not answered completely?—Not completely.

2267. There is a difficulty, is there not, about getting evidence?—Yes, there is a difficulty about getting evidence; people are afraid of being injured after the election, as a number of persons have been discharged that did vote for the man of their choice, in consequence of the promise of support from the association; a great many of them have been discharged since, and others were afraid even to do that.

2268. But I think I understood you to say, that whether with the ballot or without the ballot, they would choose the person that was elected?—Yes.

2269. Mr. *Edward Egerton.*] Staleybridge was one of those boroughs which obtained a charter of incorporation some time after the passing of the Municipal Act, was it not?—Yes, in 1857.

2270. Have you always had contests for the municipal offices?—No.

2271. You say that there has been a good deal of feeling at those different contests?—A considerable amount of feeling. We have been in what I may call an excited state for a great number of years in Staleybridge.

2272. The majority of the town council is decidedly on the Liberal side, is it not?—Yes.

2273. Will you state the reason why you prefer the ballot for the municipal elections, and do not approve of it for the Parliamentary elections?—Because, in the case of the municipal elections, it is only a matter of local interests. The question turns upon just simply the amount of the rates; that is, I think, about the most important question in the local contests, and who will conduct the affairs of the town in the most economical manner.

2274. It is economy against extravagance?—Yes. In the case of the Parliamentary elections the result is far wider than that; that is merely one, and perhaps a very small, part of the question, in my idea, compared with the general politics of the country.

2275. Did you find that there was any intimidation at those municipal contests?—Yes.

2276. Did you hear of men being discharged from their work?—It is a very common thing, indeed. I have seen, at those municipal elections, the overlooker bringing all the men under him, like a troop marching after him, going up to the poll and watching them, and seeing them vote, and taking care that they voted the right way.

2277. If any voted contrary to his instructions, were they discharged?—They were discharged on some trivial pretext or other.

2278. The Committee will be glad to hear whether those were isolated cases, or whether there was a general system of intimidation prevailing at the municipal elections?—It was a general system with one portion of the millowners.

2279. It is only fair to suppose that if it was exercised on one side it would be exercised on the other?—To a very slight extent, indeed; I am speaking now of the Parliamentary elections, but at the municipal elections it was very little indeed, compared with the other side.

2280. Was that because it was so hopeless a case for the other side, that they did not expect to carry their men at the municipal contest?—No; I may explain that some years ago, before there was a probability of the borough being made into a Parliamentary borough, we had what is called a great struggle between the popular side and the wealthy side; it was not then so much a question of party politics as it was against the intimidation and influence of the great millowners; and at that time what is called the Conservative side took the popular side of the question, and by that means they had a majority of the town council; they then sat down and rested on their oars, and the other party gradually got a footing.

2281. Then there was a period in the municipal elections at Staleybridge when the Conservatives had a majority?—Yes.

2282. And that was owing, as you say, to their adopting the popular side?—Just so; on questions of economy, and so on.

2283. Did intimidation prevail at that time in the same way?—Very extensively on one side.

2284. Was it applied by both sides upon that occasion?—No, it was not necessary at all on one side.

2285. Staleybridge had notice for a great many years, had it not, that it was likely to be made a Parliamentary borough; I think Staleybridge has been in every projected Reform Bill?—It was offered to be included with Ashton in 1832, but in all the other Reform Bills it has been mentioned.

2286. So that the attention of the voters in Staleybridge was pretty well called to the fact that it would probably be a Parliamentary borough?—Yes, it was generally understood that when the Reform Bill did pass it would be so.

2287. I think you told us that there was very little treating at the time of the Parliamentary election in Staleybridge?—Very little, compared to the municipal election.

2288. In fact, the judge made a report to that effect, that he had no reason to believe that there was any extensive treating?—I think he did; there was none on one side at all.

2289. And the Member was seated?—The Member retained his seat.

2290. Just tell me about the intimidation which prevailed at the time of the Parliamentary election, with a view to the municipal election?—The overlooker in many mills canvassed the men and told them that they would have a voice to vote, and that they should vote as the master wished them.

2291. Did they canvass the men in the presence of the candidate?—No, not in the presence of the candidate.

2292. Were there public meetings held?—Yes, several public meetings were held.

2293. I suppose the men had the liberty of attending any public meetings they liked?—They had.

2294. How was the show of hands at the nomination in Staleybridge?—There was a considerable majority in favour of the present Member.

2295. What was the majority on the day of the election?—327 out of 5,339.

2296. So that the intimidation does not seem to have been very successful?—It did not answer.

2297. When was the Anti-Screw Association formed,

Mr. *R. Stanley.*

20 April 1869.

formed, that you have told us about?—A few weeks before the election we heard what was going on in the mills, and at a public meeting, I suggested the idea, and it was taken up by the public generally, and one manufacturer offered to give a sum of money, if it was necessary, as a sort of starting point. From that we commenced to collect subscriptions, and we supported all those that were discharged, till we could find them work.

2298. Did this intimidation on the part of some of the overlookers create a strong feeling in the borough?—A very strong feeling indeed.

2299. Did that feeling exist amongst some of the respectable inhabitants on both sides?—Yes, on both sides.

2300. When were those summonses taken out against the overlookers, was it during the canvass previous to the election?—I think it was a fortnight before the Parliamentary election.

2301. Did the knowledge that those summonses were taken out have any effect in putting down intimidation?—I believe it did; I think it entirely prevented them from using the intimidation that they had done before. I could not hear of any cases after that, because the offence is a very serious one, under the Act of Parliament under which the informations were laid.

2302. Was any public meeting called, at which it was determined to take out those summonses?—No.

2303. But was it made known to the inhabitants of Staleybridge generally?—Yes; the summons was applied for publicly, with the object that the thing should be publicly known.

2304. And it was generally known in Staleybridge that efforts would be made to stop this intimidation?—Placards were published, immediately upon the granting of the summons, stating that it had been done.

2305. And you think that that had the effect of putting down intimidation?—It had great influence upon the intimidation.

2306. Do you think that making the law more stringent as regards both bribery and treating, and enforcing the provisions of the existing law, would be likely to be as efficacious in protecting voters as the ballot?—The difficulty is in prosecuting; no one likes to take up these matters. For instance, in my case I know that I am very ill thought of by people of my own class on the other side for taking an active part in those prosecutions; people always look at it as a thing against me. For many years some of them have looked upon me as a sort of meddler interfering between master and workmen, and a sort of dangerous character.

2307. Have you never considered what the effect of a public officer, in the shape of a public prosecutor would be, who would relieve private individuals from the odium of putting such a law in force?—It is in this way: working men who are intimidated of course cannot afford to go into those things themselves, they have to be supported by some private individuals, who promise to find the money or raise the money in some way or other, and those private individuals are looked upon as a sort of intermeddlers. If there was a public prosecutor there would be some one, as it were, to stand been the person intimidated and other people.

2308. I want to ascertain from you whether the state of feeling amongst the respectable inhabitants, on both sides of politics in Staleybridge, is such that they would support any effort which was made by a public prosecutor to put down intimidation?—I think they would.

2309. You think it is against the wish of the respectable people on both sides in politics?—Yes, it is against the wish of respectable people on both sides that those things should be done.

2310. There are a great number of millowners, are there not, in Staleybridge?—Yes; the people entirely depend upon the cotton manufacture; it is all a cotton manufacturing district.

2311. Mr. *Raikes.*] Did I rightly understand you to say that public opinion exercises a healthy influence in the Parliamentary elections upon the voters, which it does not do in the municipal elections?—Yes.

2312. I think you said that men would sometimes be ashamed of voting for a bad character who was a candidate in the Parliamentary election, and that public opinion, therefore, exercised a healthy influence over them?—Yes.

2313. As you consider that the municipal elections are the ones in which the ballot ought to be applied, are you of opinion that the corruption, bad practices, and so on, at the municipal elections, tend to demoralise the constituency to a certain degree?—I am of that opinion.

2314. If you could stop them at the municipal elections, that would probably go a long way towards stopping them at the Parliamentary elections?—I think so.

2315. You have often said, have you not, that money was spent upon the municipal elections colourably, merely for the municipal election, and with a view to influence the Parliamentary election?—Yes, I have.

2316. Of course, if the ballot was in force at the municipal election, it would cease to have any influence upon the Parliamentary election?—Yes; it would have great effect in doing away with treating and intimidation at the Parliamentary election.

2317. Have you ever considered what would be the effect upon those illegal practices at the Parliamentary elections, if the judge who tried the petition always, as a matter of course, committed for trial persons who, in his opinion, were guilty of them?—No doubt that would have a great influence in putting it down.

2318. Do not you think that it would have as good an effect, if the judge committed persons who, in his opinion, had been guilty of illegal practices, as if there was a special officer appointed like a public prosecutor?—But that would apply only in the case of a petition, and people do not present a petition in a hurry.

2319. Mr. *Locke.*] You think that the judge, having the power himself to commit then and there during the inquiry, would have a beneficial effect?—Undoubtedly.

2320. Now, he merely suggests that there should be a prosecution, is not that so?—Yes; that is so.

2321. What description of men are those that work in those mills; what are their wages?—Their wages vary from 12 *s.* or 14 *s.* a week (we have had men on our committee that have only earned 12 *s.* a week) up to 30 *s.* or 34 *s.* a week for spinners.

2322. Mr. *Edward Egerton.*] That is merely the head of the family?—Yes; the head of the family,

family, in addition to the children that are employed.

2323. Mr. *Wright.*] Do you include the women?—No, the men only.

2324. Mr. *Locke.*] Do you mean that there are men working in those factories who only earn 12 *s.* a week?—Yes.

2325. What is their employment?—Of course they are an inferior class of men who job about and run errands, and things of that sort.

2326. But they are not men who actually work in the manufacture?—Not skilled labourers; they merely mix the cotton, or something in that way; something which requires no skill, but merely labour.

2327. What proportion should you think that those men who only earn 12 *s.* a week, bear to the number of electors?—Those are very few; there are only a few men of that class in each mill.

2328. How many do you suppose there are?—I am not practically acquainted with the working of a mill, and I cannot answer the question. The secretary of the Anti-Screw Association is here; he works in a mill, and he will be able to answer the question correctly.

2329. What are the highest wages that are paid to any man?—I fancy that the fine spinners get up to 35 *s.*, or may be more; but I am a tradesman, and I am not acquainted with the exact details of mills.

2330. You stated that you thought the ballot would not be beneficial in the Parliamentary elections?—I think not.

2331. Is that, do you say, in consequence of the questions which arise at the Parliamentary elections?—In consequence of the questions which arise at the Parliamentary elections.

2332. Can you specify any particular question that might arise at the Parliamentary election, where you think that if that question were raised by a candidate, it would not be beneficial that the voter should vote by ballot?—In the case of trades' unions, for instance, I think under the ballot many men might be induced to support a man that would bear them out in their trades' unions, who openly they would not support.

2333. Why would not they support him openly?—Because the members of trades' unions are, like all other classes of society, selfish, and when there are two courses to choose they would choose the one that is most for their own interest, sometimes when it is not a very just course.

2334. What do you mean by the one that would be most to their own interest?—That which would give them more power.

2335. Why should not they support it openly if it is to their own interest?—Because when it is a question of a man's own interest, he will do many things; in fact, a tradesman has to do, and a manufacturer has to do, many things that he would not openly avow.

2336. If it is to his own interest, could there be any reason why he should not openly avow that he voted for the candidate who supported his interest; what harm would there be in his doing that?—I do not exactly understand the question.

2337. If a candidate adopted a line of argument, and proposed measures which would be for the interests of this man, what reason could there be why he should not vote for that candidate openly?—Because sometimes men propose things that are not just, and the men would be ashamed of supporting him to the extent that they promise; whereas, if they could do it secretly, they might try the experiment of sending a man up to see really what he would do.

2338. Do you think that a candidate supporting trades' unions is one of the cases where a man would be ashamed to vote openly?—In speaking of trades' unions, I mean supporting trades' unions where they go beyond what is right and just. To a certain extent, I believe they ought to be supported, but they sometimes go beyond what they really ought to do, and, like all other classes, they are apt to go beyond, and want greater advantages than what they really ought to have.

2339. Can you give an instance of what you mean by their going beyond?—Supposing a trades' union wanted to restrict the number of apprentices taken by a master, that being contrary to the public interest, though it is to the interest of the union; and there are many other instances, if I could think of them, where they would not like, perhaps, to support a man openly who professed to go to that extent, while, if a man could vote secretly, he perhaps would do so.

2340. But in the case of a man who came there as a candidate, that would not be the only question that he would advocate?—Certainly not; there may be many other political questions.

2341. Then they might happen to vote for him under the other system just as well as under this?—Certainly.

2342. Then, under those circumstances, why should not he vote openly?—In my evidence before, I have advocated the principle of open voting, and you say, "Why should he not vote openly?"

2343. Why should he not?—I say he should.

2344. But why would he not?—Because by appealing to the self-interest of the working classes they are neither better nor worse than any other class. We find that tradesmen will support a man that proposes to reduce taxation, though upon other questions they may perhaps differ from the man that they support; that is to say, the voter goes according to his self-interest in that case.

2345. Is it not the fact that tradesmen generally vote openly for the man who will reduce taxation?—As a rule they do.

2346. Why should not a working man, unless he is intimidated by somebody, vote openly for the man who supports the views that he entertains?—Because of the general influence of public opinion.

2347. Why does public opinion interfere with him then?—Because, as I said before, working men are like all other men, they will do many things that they should not do, and which they would not do if they knew that they would become public.

2348. But what I ask you is this; do not other men always vote for the candidates who they think will support their interests?—Generally, I suppose it is so.

2349. However, you object to the ballot for the Parliamentary elections?—Yes.

2350. You said, did you not, that in your opinion, a worse class of men would be returned?—That is my opinion.

2351. Your present Member, I think, was returned by the municipal voters, was he not; has he

Mr. *R. Stanley.* 20 April 1869.

he not been mayor several times?—He has been mayor several times.

2352. And he was an alderman, I suppose?—Yes, he was an alderman.

2353. Was he a common councilman?—No; I think he was elected alderman first.

2354. That was by the town council?—Yes; that was by the town council.

2355. Then has he never been elected to any office by the municipal electors?—No, except as a Member of Parliament.

2356. Are you on the same side as the present Member?—I am.

2357. You think that he was too good a Member to have been elected by the municipal electors?—Certainly not.

2358. He never tried, but would he have been elected, do you think, by the municipal electors if he had?—I have not the least doubt of it.

2359. Then it stands upon precisely the same footing, with regard to the municipal electors and the Parliamentary electors, that they each would have elected Mr. Sidebotham, would they not?—There is no doubt about it; he is so popular a man, that he would have carried the election in spite of all influence; there was no contest at the municipal election this last November at all.

2360. Mr. *James.*] Have you had any experience in the Parliamentary elections, excepting in Staleybridge?—No.

2361. Then your experience is confined to this last election?—To this last election only.

2362. I think you say that you do approve of vote by ballot at the municipal elections?—Yes, I do.

2363. Because it would allow the voters to vote freely according to their own opinions?—Yes.

2364. That you consider an advantage?—Yes.

2365. Would it not have the same result in the Parliamentary elections?—Yes, certainly.

2366. Do you consider that an advantage in the Parliamentary elections?—No, because there would be another class of men altogether who would be brought out for Members of Parliament.

2367. Then the reason why you object to the ballot is this, because if the system of vote by ballot took place, persons would not be able to vote according to their own opinions?—No; what I mean to say is this, that in the Parliamentary elections you have another class of men entirely to what you have in the municipal elections as candidates, and the question takes a far wider range.

2368. I want to keep to the voter, whether he exercises his opinion rightly or wrongly; you agree that, if he voted by ballot, he would be able to vote according to his opinion?—Yes, certainly.

2369. Do you think it an advantage that a man should vote according to his own opinion?—Of course to some extent I do; I think it ought to be so.

2370. Do not you think so to the full extent?—I think that a man ought to be influenced by public opinion too, to some extent.

2371. Public opinion brought to bear upon him so that he should vote against his own opinion and his own conscience?—Not at all.

2372. Assuming a man to have an opinion, ought he not to vote according to that, without the opinon of other people?—There are many things, as I said before, in a man's trade and business that he does, that he would not do at all if he knew that the public would know.

2373. Do you not assume that a man who has the franchise is fit to exercise it, and voting according to his conscience, votes rightly; and is it not fit that he should so vote rather than according to influences brought to bear upon him?—Sometimes, probably, a man is influenced entirely by self-interest; and it is very necessary that public opinion should have some influence upon him, and very properly so.

2374. You approve of open voting in the Parliamentary elections, lest, as you say, a man should vote, not according to his own opinion, but be influenced by external influences?—That is to say, that his self-interest should not rule him entirely.

2375. Or his own opinion?—You may call it his opinion, if you like.

2376. In the municipal body now, the majority are opposed to your views, are they not?—No, the majority are with us; there is no question about it; but the undue influence that is brought to bear upon them causes them to vote contrary.

2377. You want to get rid of that by the ballot?—As far as the municipal elections go, I think it would have a beneficial effect.

2378. You agree in opinion with the sitting Member, and you do not want any change in the mode of electing the sitting Member for Staleybridge?—No, except so far as this: that I think there ought to be some more stringent measure adopted to prevent this intimidation.

2379. Mr. *Staveley Hill.*] Do I rightly understand you to say that, in an important matter like a Parliamentary election, you think that the influence of public opinion is a good thing, but undue influence and intimidation are bad things?—Yes.

2380. And you think that open voting, guarded by strong and stringent corrupt practices laws, would bring to bear that middle course?—I do. I look upon the Parliamentary vote more in the light of a trust, and the municipal vote I look upon as a question of self-interest only; that is about the extent of it.

2381. Mr. *Leatham.*] You spoke of public opinion influencing votes; is not the public opinion, which influences a man, the opinion of those with whom he associates?—Yes, to some extent it is; those that he is acquainted with, and who knows him, of course.

2382. Does not a man mainly associate with those of his own class?—Generally speaking, it is so.

2383. It is so in 99 cases out of 100, is it not?—Not to that extent, but generally so.

2384. Then, the opinion of that class would probably influence the vote?—I do not think it would altogether, because a man, in addition to what you may call his familiar friends, has a large circle of acquaintances that are not exactly in his own class. Therefore, as he is in the habit of talking these matters over, he would be, to some extent, guided by their opinion as to what was right and wrong. There is no working man whose acquaintances are entirely confined to those of his own class. He is in the habit of talking to tradesmen; he goes to their shops, and goes to inns and different public-houses, and things of that sort, and talks these matters over, and he is, to some extent, guided by the opinions of those that are in a better class of life than himself.

2385. But not mainly?—To some extent it is so.

2386. But

2386. But that would be to a very small extent, as the great bulk of his friends and acquaintances belong to his own class?—No, to a very considerable extent in the case of right and wrong.

2387. Have you trades' unions in Staleybridge?—We have.

2388. Are they powerful associations?—I cannot speak to that.

2389. Do you know anything of their proceedings; whether they attempt to influence the votes of members of the union?—I do not; I cannot speak to that.

2390. You spoke of a public prosecutor; do you think that he would have any difficulty in obtaining evidence?—I think he would have less difficulty than in the case of a private person taking the matter up, because they would feel that there was some one to defend them, as it were.

2391. You do not think then that the intimidated men would shrink from giving evidence?—In a great number of cases they would; generally they would.

2392. This Anti-Screw Association was a failure, I think you said?—No, it was not a failure.

2393. To any very great extent was it successful?—It induced a great number of people to vote for one candidate that would not otherwise have done so, but not all; there would have been a greater number voted for our candidate if some of the millowners had done the same as others did—put placards up in the mill, saying that they did not wish to influence in any way the votes of their workmen, and that no advantage would be taken of them if they voted as they thought proper.

2394. But many of those men you say were sent off afterwards?—Yes, many of them were sent off afterwards, but none from the mills where the notices were put up.

2395. Did you raise a large sum in order to recompense them?—We raised somewhere about 160 *l.* altogether, principally by the working classes subscribing 2 *d.* and 3 *d.*, and so on.

2396. How long did that sum hold out?—We paid money for 14 weeks in succession.

2397. How did you ascertain the truth of the men's story when they said that they had been turned off on account of their votes?—We had a committee, of which I was a member of it myself; in fact I was what is called the acting chairman of the committee; although I was the treasurer I was the acting chairman as well; a committee was formed of men that were then working in the mills, or had worked in the mills for a number of years, and men that were very likely to form some sort of idea as to whether those men were stating truth or not, and that committee decided whether they thought the case was one which justified the association in taking the matter up and assisting those people.

2398. Were all your committee-men of one way of thinking in politics?—They were.

2399. Then it was a Conservative Anti-Screw Association?—It was a Conservative Anti-Screw Association.

2400. Mr. *Beard.*] If the ballot were applied to the municipal elections and proved successful, would you have it extended to the Parliamentary elections?—If it was found successful I should; in fact, I merely suggest the ballot in the case of the municipal elections as an experiment.

2401. Sir *George Grey.*] You spoke of intimidation by employers; has there been any intimidation by workmen against their fellow-workmen in Staleybridge?—I am not aware of anything of the sort.

2402. Are there a great many public-houses in Staleybridge?—Yes, a considerable number.

2403. You said that there was a good deal of treating; was that generally extended through the public-houses?—Yes.

2404. Were the public houses kept open?—It was in this way: committees were held at different public-houses, and those committees made it a habit of getting voters on the other side in, that they thought could be influenced by drink and treating them, and so on, and persuading them over to support their side.

2405. Is it the practice in the municipal and the Parliamentary elections that the committees are held at public houses?—Yes, invariably so.

2406. How many public houses do you suppose were open at the municipal election the last time there was a contest?—I cannot speak to the number, but it was a very large number.

2407. Am I right in understanding you to say that there is a local public opinion in Staleybridge, quite apart from intimidation, which under open voting would deter men from supporting a candidate who advocated measures which, according to that local public opinion, are unjust or injurious to the general interests of the country?—Certainly, I do think so.

2408. And that under secret voting, the beneficial effect of that influence would be removed?—I think so.

2409. Mr. *Villiers.*] Supposing a Conservative millowner influenced, unduly, his men to vote, or supposing that they are turned out of employment, does this Anti-Screw Association interfere in such a case, seeing that it is a Conservative mill?—We never had a case of that sort; and I do not think there is a single case in Staleybridge of that sort; I should have heard of it if it had been so.

2410. You interfere to protect the men, do you not, if such should be the case?—No, there is not a single case on our side of a man being influenced or discharged in consequence of his voting. I know myself of my own personal knowledge, that in the case of a millowner, who was a candidate, there were two of his men on the opposite committee canvassing for the opposite candidate, without interference, and without having a single word spoken to them, and the candidate did not know of that circumstance till I told him myself.

2411. And nothing followed from that?—Nothing followed from it; he was not aware of it; he asked the manager about it. I was present in his counting-house at the time, or rather I should say it was not the candidate, but the candidate's two brothers, who are partners with him. Some one published a placard, attacking the partners for using undue influence in their mill. I happened to be there on election business, and they read this placard to me, and asked me what I thought of it. I said, "It is certainly a thing that is very wrong for them to say, and there is no truth at all in it, and you ought to answer it; and you ought to state at the same time, in your placard answering it, that two men in your mill are on the opposite candidate's committee, and are canvassing for him;" and they made the remark

Mr. *R. Stanley.*
20 April 1869.

to me, and asked me if that was so. I said, "It is so; I know it to be so." The manager came into the room, and then they asked him, and he stated that it was so, and told the names of the parties; but he said of course it was not his duty to say anything to them, and that he never had spoken to them about it.

2412. Are there two Anti-Screw Associations in Staleybridge?—No, only one.

2413. May I ask if you apply that principle to a councillor that you apply to a voter, that he is to serve himself if he has a vote at an election, because you say that a municipal voter can vote to serve himself, or how he likes?—Yes, certainly.

2414. And with respect to a councillor, is he to do the same?—No, in the case of a councillor it is a public trust; in the case of a voter it is his own, or it merely concerns his own party, but a councillor is a part and parcel of the corporation.

2415. The voter has to be rated, and he has to reside a certain time, has he not?—Yes, certainly.

2416. It is not everybody who is a voter?—No.

2417. Then I suppose those who have not got votes, look upon him as a trustee, to a certain extent, do they not?—I do not exactly see that, because the number is so few, comparatively; and not only that, but the number who do not reside a sufficient length of time are generally a very low class of people; people who some morning the landlord comes and finds that they are gone; as a rule, the great bulk of the working people live in one house for years, and do not remove about so much.

2418. Do you mean that the people who have not a vote are so few?—Yes.

2419. Mr. *Bright.*] Were there a good many people who attended the nomination at Staleybridge?—Yes, many thousands.

2420. Of course both parties would be fully represented there?—Yes, both were fully represented.

2421. Where was the nomination held?—On a vacant piece of ground behind the market in the town.

2422. Was there much speaking?—Nominations are generally noisy affairs; there was not much speaking, only just sufficient to do the business.

2423. If there was little speaking, probably there was less hearing?—No; the speaking was quite distinct, I think; at least, for the people in front; I happened to be on the platform; it is very bad hearing, when you are at a person's back, but I understand that the people in front could pretty well hear what was spoken.

2424. Were there any skirmishes during the nomination?—Nothing in the shape of rioting; there were no fights.

2425. It was very tranquil, on the whole, was it?—Very tranquil.

2426. Considering that it involves, very often, the loss of a day's labour and wages, and sometimes ends in a good deal of tumult, and that very rarely there is much discussion, would there be any disadvantage in getting rid of the nominations altogether?—I think there would.

2427. There would be harm in it, you think?—Yes, there would be harm in it.

2428. Why do you think so?—Because it certainly gives the people an opportunity of seeing the candidates and of hearing them, which they do not otherwise have; and, not only that, it gives the candidates an opportunity of forming some idea of what public opinion really is. The nomination, I think, is more advantageous now, and of more use now, than it was under the old Reform Act, because the people who now attend the nomination are, as a rule, the people who vote; whereas before, the people who attended the nominations were not the people who voted, but another set of people altogether.

2429. Generally by the time of the nomination the canvassing has almost reached its end, has it not?—It is almost at its end then.

2430. Therefore, unless the committees are very remiss, they know pretty well what may be looked for at the election?—They do know pretty well.

2431. How many meetings do you think were held in Staleybridge for the election; taking in all, the committee meetings and public meetings of all kind?—I should not like to state the number, but it was considerable; a large number of meetings took place in different parts of the borough.

2432. Do you think that the candidates attended twenty meetings from the time of their first coming out to the day of the election?—I think one of the candidates only attended one public meeting; he attended many meetings of his supporters, but only one public meeting.

2433. Of course the meetings of his supporters were not closed against anybody who would conduct themselves fairly?—They were looked upon as intruders generally; they were looked upon as having come there for the purpose of kicking up a disturbance.

2434. Was there a great deal of placarding and newspaper writing?—Yes, a great deal of placarding.

2335. There are no nominations in the municipal elections, are there?—Occasionally there are; occasionally the alderman calls a ward meeting and then there are nominations; it is not the rule always; it is only done occasionally.

2436. It is not the rule at all?—No, it is not the rule at all; but it has been done occasionally.

2437. Sir *George Grey.*] Was there a personal canvass of the electors of Staleybridge made by the candidates?—After the canvassers had done their work, there were a number of people who said they would be neutral or would not give any answer at all, and one of the candidates on our side saw those persons.

2438. Was there a personal canvass made of the voters, or was the canvass merely made by means of public meetings?—There was a personal canvass of the voters by canvassers for the Parliamentary election.

2439. Mr. *Villiers.*] There has been an amount of political feeling, has there not, at the municipal elections?—Yes, that has been so in the last two or three years.

2440. Politics enter into everything at Staleybridge, do they not?—They had not done so much till there was a probability of there being a Member of Parliament for the borough; formerly we used to be divided into Whites and Yellows; and there used to be Conservatives and Liberals on one side; they were all mixed up together; in fact you may say, that it was the public against the millowners that used to be the division at one time.

Mr. JAMES SAVILLE, called in; and Examined.

2441. *Chairman.*] You were the Secretary, were you not, of the Anti-Screw Association which we have just heard described?—Yes.

2442. Can you state to the Committee when it was formed?—Not the particular date; but it was some time before the election.

2443. What sum of money did you raise for the purposes of the association?—The amount altogether was somewhere about 160 *l.*; and the amount that was paid to parties that were discharged was 143 *l.* 3 *s.*

2444. Do you know to how many persons payments were made?—Thirty-eight; there were a number that were discharged that got employment before they came on to the association, who did not require any amount from the association at all; the 38 that I have mentioned were only those that came under the observation of the committee; others were discharged, but they immediately got work, and therefore they did not require any aid from the association.

2445. What steps did your committee take to discover whether the applicant had really been discharged on account of his political principles?—In cases where we had any suspicion, we demanded a written statement from the applicant himself, to be written in his own hand, and signed by himself; and our committee are in possession of many of those statements now.

2446. Did the committee take any steps to ascertain the truth of those statements?—Yes; in some cases, they wrote to the very employers who were said to have discharged the man.

2447. Did you write to the employer to ask whether he had discharged so-and-so on account of his political opinion?—Not in all cases.

2448. In any instance, did the employer confirm the statement of the workman, that he had been so discharged?—No.

2449. Then, what other steps did you take to ascertain the truth of the statement?—We took no particular steps beyond what I have already stated; our own observation, and knowing the employers by whom they were employed; but their own statements were in most cases sufficient to get aid from the association.

2450. When you applied to the employer, did he, in any instance, give any other reason for the dismissal of the workman?—No.

2451. Did you get any answer from any employer at all?—Yes, in one case, an employer wrote and said that he did not know that the party had been discharged from his mill at all; and if he was discharged, he said he was afraid that it was for some other reason than the one alleged by him.

2452. Did you make further inquiry in that case?—No, not in that case; I believe that that person only received two weeks' support from the association; he got work, and therefore there was an end of his case.

2453. You did not think it necessary to make any further inquiry?—No; in fact, while we were making that inquiry the person had almost got work, and there seemed to be no further need.

2454. Some legal proceedings were taken a short time before the election, were there not?—Yes, there were.

2455. But were they not dropped immediately after the election?—Yes, they were withdrawn.

2456. Can you explain why they were withdrawn?—It was presumed that the intimidation that was then practised was about ceasing, and it was no use prosecuting the party that the summons had been taken out against.

2457. Then, we may assume, may we not, that those legal proceedings were instituted with a view to that election only?—The proceedings were instituted for the purpose of checking the intimidation that was being practised at that election.

2458. It was not from a general desire to stop the practice of intimidation, but it was to prevent intimidation from being practised at that particular election?—It was found that intimidation was being strongly used against many workmen, and on the part of the workmen, in many instances, they desired that some action should be taken.

2459. If you had had a good case against those persons, would it not have been a good example to have continued the prosecution, even after the election was over?—Perhaps so. Many of us regretted that the prosecutions did not go forward.

2460. By whom was that prosecution undertaken?—It was undertaken at the instance of two men who had been intimidated; those two men themselves were the parties who laid the charge.

2461. Who found the money?—I am not prepared to state who found the money.

2462. Those men did not, I presume?—No, I do not presume they did.

2463. And you do not know who did?—No.

2464. It was not found by the Anti-Screw Association was it?—No.

2465. Do you know who decided to discontinue the prosecutions?—Not exactly.

2466. Have you heard the evidence of the last witness?—Yes, I have.

2467. Do you concur in the statements of fact which he made?—Generally, I do.

2468. Is there anything which you wish to add to his evidence?—Nothing particular.

2469. Mr. *Villiers.*] Do you adopt the last witness's view about the importance of the ballot at the municipal elections?—No, we do not exactly agree. Personally, I do not think that we ought to have the ballot in the municipal elections.

2470. But do you agree with him that there is a great deal of influence used?—Entirely.

2471. Are you afraid of the bad choice of the people if they were to be allowed to vote freely?—No, I have no fear myself of that.

2472. Do you think they would make a good choice?—I think so.

2473. They would not choose a man of bad character?—No.

2474. Do you think that a man has got the right of choosing freely when he has the franchise?—Decidedly so.

2475. Are you quite sure that they do not do that now at Staleybridge?—I feel quite sure that they do not.

2476. Sir *George Grey.*] Why do you object to the ballot?—Of course, I can only give my own personal view of the matter, and that is, that I believe the vote to be a public trust, and that they ought to freely exercise it. With regard to any preventive measure in lieu of the ballot,

Mr. *J. Saville.*
20 April 1869.

Mr. *J. Saville.*

20 April 1869.

ballot, I would make the law more stringent, and be sure to enforce it.

2477. Mr. *Edward Egerton.*] Was it to enable voters to vote freely at Staleybridge that you formed this association?—Decidedly.

2478. And to prevent this intimidation which prevailed on the part of the masters?—Just so.

2479. Do you concur in the opinion of the last witness, that the instituting of proceedings in those two cases to which he referred had a beneficial effect at Staleybridge, as showing that the law was to be enforced?—I do think so.

2480. And you say, I think, that you, in common with many other inhabitants of Staleybridge, regret that those proceedings were discontinued?—Yes.

2481. You thought that it would have had a very beneficial effect if the law had been allowed to take its course?—Yes.

2482. Mr. *James.*] Would you agree that this intimidation at the municipal elections is a very great evil?—A very great evil. I conceive it to be an evil in either the municipal elections or the Parliamentary elections.

2483. If you had the ballot, how would the masters be able to intimidate their workmen?—I cannot answer that.

2484. Mr. *Leatham.*] The fund that you have spoken of was subscribed by the workmen themselves and others?—Yes.

2485. How much of the fund was raised from the workmen themselves?—About 40 *l.*, I should say.

2486. Then about 120 *l.* was raised by others?—Over 100 *l.* was raised by the workmen themselves.

2487. What has induced you to alter your estimate; you told me that 40 *l.* was the amount subscribed by the workmen?—I have not just got the particulars of the amount paid, and who paid it, here; but the amount was over 160 *l.*, and I remember that, with the exception of 30 *l.*, the whole was subscribed by the general public and by the workmen themselves.

2488. How much was subscribed by the workmen themselves?—I am not able to say.

2489. About 40 *l.* you said just now?—Yes, but when I made that statement my idea was on taking the amount that remained, but I meant to say the whole amount with the exception of private subscriptions.

2490. Excluding all private subscriptions, and all subscriptions by the general public, I want to know how large a sum was raised from the workmen themselves?—I am not able to say.

2491. Can you not give me any idea?—No.

2492. Not within 10 *l.*?—No, I do not presume I can from memory.

2493. Was 10 *l.* raised from the workmen themselves?—Yes, more.

2494. Was 20 *l.*?—Yes.

2495. More than that?—Yes, I should think so.

2496. Was 30 *l.*?—Yes, I should think 50 *l.* was subscribed by the workmen themselves.

2497. Then you had 110 *l.* raised from the general public?—Of the 160 *l.* raised by the association, about 100 *l.* was subscribed by the workmen themselves, about 30 *l.* by shopkeepers, &c., and 30 *l.* of a private subscription.

2498. The committee-men, of course, would subscribe to this fund?—Yes.

2499. Handsomely?—I do not know that; it would be according to their means.

2500. The candidate subscribed, of course?—I am not aware that he paid a penny.

Mr. James Hampson, called in; and Examined.

Mr. *J. Hampson.*

2501. *Chairman.*] Do you live at Ashton-under-Lyne?—Yes.

2502. What is your profession?—I am a general agent.

2503. Are you in any public capacity?—I look after the affairs of the Conservative party, municipal, Parliamentary, and county.

2504. You are not a member of the town council?—No.

2505. Has Ashton a municipal corporation?—Yes, it has.

2506. Have you had much experience in the management of the municipal elections?—Yes, for the last five years.

2507. How are they conducted?—Very badly, indeed; there is gross intimidation, bribery, and corruption.

2508. To begin with bribery; how is that carried on?—Giving voters pay as messengers, or as canvassers.

2509. Are large sums given to the voters?—They are paid very liberally by one party.

2510. Do we understand that this bribery takes place on one side only?—On one side only, to my knowledge.

2511. Is that the side with which you are connected?—No; there is no bribery takes place on the side with which I am connected; there is no necessity for it.

2512. But it is within your knowledge that it does take place on the other side?—It is.

2513. How have you acquired that knowledge?—By personal knowledge of the parties.

2514. Do you mean that it is notorious; is there no attempt at concealment of the way in which this bribery is carried on?—It is acknowledged by the parties themselves, upon one side, that they have been bribed, and received so much a day, and they have canvassed for them.

2515. Is this description of influence successful; does it enable that party who uses it, to carry the election?—It is successful. It is confined to two wards in the borough. The municipality is divided into four wards; two wards are represented by Conservatives, and the two others, Portland-place Ward and St. Peter's Ward, are represented by Liberals.

2516. Is it in those two latter wards that corruption prevails?—It is in those two wards that corruption does prevail.

2517. In spite of the success which has attended those corrupt practices, they have not been adopted by your party?—No, not to my knowledge.

2518. Does treating also prevail?—Treating prevails to a very great extent.

2519. Is that also confined to the one party?—To the one party.

2520. Are there contests at every election?—No; we had a contest, three years ago last November, for Market Ward; but, independent of that, we have not had one for four years, not since 1864.

2521. Did

2521. Did you say that intimidation also prevailed in the municipal elections?—Yes, it does.

2522. How is that applied?—It is applied to people working in the several mills; in fact, we had a case where several voters working in a mill requested the protection of the Conservative party, and in one case we got a private house, in Welbeck-street, and we got five or six voters, and the Liberal roughs came and demolished the windows and the whole of the forms and benches in the building, and nearly killed one man.

2523. Intimidation is practised, then, by mobs, is it?—By roughs; by a mob engaged by the Liberals.

2524. You do not refer, do you, to intimidation practised by masters upon their workmen?—Yes, I refer to that also.

2525. Will you explain how that was?—In the municipal elections the mill-owners send a list from one mill to another, but I do not allude so particularly in respect to that as in respect to the corporation. In the corporation they are all on one side, and there it is used to a great extent as undue influence. I have known people during the cotton famine who were working as labourers, taken from their work, and tried to be what we called "bottled," but the cab windows were demolished in which they have been taken away.

2526. Did you say that the corporation was all on one side?—The corporation is all on one side, from beginning to end; there is not a single person connected with the Conservative cause amongst the whole of the officials of the corporation of Ashton-under-Lyne.

2527. I thought you told me just now that that two wards elected Conservatives?—But I mean that the paid servants are all Liberals.

2528. Then the Liberals have a majority on the council?—No; in the council there are 12 Conservatives and 12 Liberals; but the Liberals had some years ago before my time stolen a march upon them, and got the eight aldermen, and they have got the election of the mayor, and consequently they have got 20 or 21; this year it is only 20, because the mayor is an alderman as well, but there are 20 to 12 of the others.

2529. And undue influence, you say, is used by the officers of the town in the municipal elections?—To a very flagrant extent.

2530. Will you state precisely what the nature of that undue influence is?—In every department, whether it would be working in the sand, or at a gravel-hole, or sweeping the streets, in nearly every form and shape that they can possibly use any influence, they have done it, both at the municipal and the Parliamentary elections.

2531. In what way do they use it; what is the nature of the influence?—They have gone to the people and told them they must vote so and so, or they will discharge them.

2532. Do you know that those threats of discharging certain workmen have ever been made?—Yes, there are several who have been discharged. I cannot just call to mind the names of the persons discharged; I have here our first list, published after the election, of people that have been discharged from cotton mills principally, but it embraces other works as well (*handing in a list to the Committee*).

2533. Will you state to the Committee what this list is?—That is what we call the Victim Fund List, persons who have been discharged for voting in the Parliamentary election.

2534. I presume this has no reference to the municipal election?—No, not to the municipal.

2535. Did I correctly understand you to say that, to your knowledge, intimidation is not practised by the masters on their workmen with respect to the municipal elections?—I will not call it intimidation, but from the position of the masters, and from the nature of the voting by the persons residing on their premises or working in their mills, there is some kind of influence which you can only account for on the principle of undue influence: for instance, there is a large property in Ashton-under-Lyne belonging to Mr. Hugh Mason. In one street called Hamilton-street, there are 26 houses, and the occupants of those 26 houses recorded their votes for Mr. Milner Gibson, but the same applies to the municipal as well as the Parliamentary elections. In Oxford-street there are 22 houses, and 22 votes were recorded for Mr. Milner Gibson. In Ann-street there are 23 houses, and 21 votes were recorded for Mr. Milner Gibson; the other two were not on the list.

2536. I am asking you now with regard to the municipal elections?—The same remark would apply to the municipal; if we have a contest in that ward, those persons invariably vote alike; we have not had for six years, to my knowledge, a person upon the property who even remained neutral, or only one, and he had to remove from the property.

2537. Have you ever heard of workmen being discharged for voting against the wish of their employers at the municipal elections?—I will not go so far as that; it was the Parliamentary elections that I spoke to.

2538. Do you think it has been threatened?—It has been used, I am satisfied, to a great extent; only I do not speak to that of my own personal knowledge.

2539. The chief evils which you think prevail in the municipal elections are bribery, treating, and a certain amount of undue influence used by owners of property?—Yes.

2540. Will you now go to the Parliamentary elections; has there always been a contest at Ashton?—I do not remember any for a number of years for the Parliamentary borough.

2541. You can only speak of the last contest?—Only the last one; there has not been one before, I think, for six or eight years, under the old Act; The Ten Pounder Act.

2542. Are the voters for the Parliamentary borough much the same as those at the municipal elections?—Yes, I take them to be literally the same.

2543. Is there not a different qualification?—I do not think there is a difference in Ashton of twenty in the whole borough.

2544. Did any improper practices prevail at the last Parliamentary election?—To a very great extent, in every shape and form.

2545. Did bribery exist?—Bribery I cannot charge, but intimidation and undue influence I know prevailed.

2546. Did treating prevail?—Yes.

2547. To a very great extent?—To a certain extent, but not very much.

2548. Was it practised by both sides?—The

Mr. *J. Hampson.*

20 April 1869.

Conservatives had no requirement to treat at all; it was a dead certainty.

2549. You say that they did not require it, but did they do it or not; were not the public-houses open?—The public-houses were not open at all; not for the Conservative party, except for the canvassers at night, when they had done their work, to meet together and compare notes; that was all the public-houses accounts that we had. I do not know of a single penny piece that was thrown away in treating.

2550. But, on the other side, you think that it did prevail to a certain extent?—Not extensively.

2551. Then the chief evil which you think prevailed was the system of intimidation?—Intimidation, and undue influence of masters with their hands, and property-owners with cottagers owing rent, and going to them.

2552. And also by the Corporation upon their subordinates?—By the Corporation, to every available extent that they could make use of.

2553. Will you state what you know of the undue influence which took place, as applied by the masters upon their workmen in the mills?—Perhaps it would be as well if I were to refer to one or two of those cases that I have brought with me; the declaration of parties who have been upon our fund, to whom we paid money, and who have given declarations before the magistrates; if you refer to number two on the list I have handed in, I will call attention to that case.

2554. Will you explain first to the Committee, what this Victim Fund was?—It was in consequence of a great quantity of people who were discharged for voting according to their own conscience and feeling.

2555. By whom was this fund got up?—I raised it amongst several gentlemen in the town. I had a meeting of gentlemen, who gave contributions, and we had very little trouble at all in raising the fund.

2556. Was it raised by the Conservative gentlemen in Ashton?—Yes, it was raised by the Conservative gentlemen in Ashton; I called a meeting of them when I found that so many people had suffered.

2557. You did not get subscriptions from the workmen?—No; from no person excepting some 14 or 16 gentlemen.

2558. What was the amount that was subscribed?—About 290 *l.*

2559. Who had the management of it?—The management was under the committee of the Ashton-under-Lyne Working Men's Church and Conservative Association, of which I was secretary.

2560. Will you explain how the operations of this fund were conducted?—A committee of 12 were appointed from the body of working men, and all the cases of application to us were looked into by them before we gave them any relief; if they had any doubts upon their minds, they went to the places themselves and ascertained the truth or the untruthfulness of the statement.

2561. Did what you saw in managing the affairs of this association lead you to suppose that intimidation had been practised to a great extent?—I am perfectly positive of it.

2562. Will you explain those depositions which you have there; how did the parties get before the magistrates to be sworn?—I took them before the magistrates; it is simply a declaration.

2563. Sir *George Grey.*] A voluntary declaration made by the voter?—Yes, made by the voter voluntarily.

2564. *Chairman.*] There were no proceedings taken?—No, I am not sufficiently fond of the law to take proceedings if I can avoid it. This is one of the declarations: "I, James Sumner, now of Alderley Edge, in the County of Chester, late of Carrs, Hurst, Ashton-under-Lyne, in the County of Lancaster, do hereby solemnly and sincerely declare that I was gardener to Mr. Oldham Whittaker, of Hurst, up to the time of the election for the borough of Ashton-under-Lyne, the 18th day of November 1868. On Friday, the 13th day of November, William Pleasant, Mr. Whittaker's second gardener, came to me and said he would tell me how far Mr. Whittaker intended to carry out the 'Screw System.' Any of his servants who stood neutral he should take no advantage of, but any who voted against him he should put the screw on; and Pleasant stated that Mr. Oldham Whittaker had used those words at the committee-room, and he further told us that Mr. Whittaker would come and see about it himself. Mr. Oldham Whittaker came soon after, and he said, 'Well, Sumner, are you going to give us your vote?' I told him I had pledged for Mr. Thomas Walton Mellor. He replied, 'What! will you go against your master?' And I said, 'It will have to stand as it is now, sir.' And to confirm his words, he came to us, myself and fellow-servant, or the 19th of November, the day after the election, and told us to put on our coats and walk off about our business at a minute's warning, but I afterwards recovered a week's wages through the county court. And I make this solemn declaration conscientiously believing the same to be true: James Sumner. Declared at Ashton-under-Lyne, in the County of Lancaster, the 10th day of April 1869; before me, S. D. Lees, Justice of the Peace for Lancashire."

2565. Have you other declarations of the same character?—I have; I have the declaration of one person who worked at Mr. Oldham Whittaker's for 16 years, an overlooker and power-loom weaver, and he was dismissed for the same reason: "I, Joseph Gee, of 121, Hope-street, Hurst, in the County of Lancaster, out of employment, do hereby solemnly and sincerely declare, that I was an overlooker over power-loom weavers at Mr. Oldham Whittaker's at Hurst. I voted for Mr. Thomas Walton Mellor. On the Monday night before the election, Mr. Rowley, Mr. Reginald Whittaker, and Mr. Wallwork, a manager over weavers at that mill, called at my house. Mr. Rowley asked my wife how soon I should be in; she said, 'She did not know'; he said, 'Where is he?' she said, 'To tell you the truth, he is at the Conservative committee-rooms.' Mr. Rowley asked her if I had pledged for anybody; my wife said, 'Yes, for Mr. Mellor.' He then asked, 'Could you not get him to vote for the Liberals?' my wife said, 'No.' 'If you cannot get him to vote for us, can you get him not to vote at all?' She replied, 'She was sure she could not.' On the 23rd of November, Robert Whittaker, the manager who takes on and discharges hands, including overlookers, and who engaged me when I went to my situation, sent for me to his office, and told me that I was not to put any more warps into my looms, for my quarter was going to stop. I asked him if he had another place for me; he said, 'No, I should be out of employment; we must look to those that looked to the master.' I then asked him if he

he would give me a character; he said he had nothing to do with characters, they came from the office. On the same day, after dinner, he sent for me again, and told me that the master said he would stop all that went in face of him. I said, 'Then I am bagged for voting.' He said, 'You may call it so.' Robert Whittaker is cousin of Mr. Oldham Whittaker. On the Tuesday he sent for me again, and asked me if I was ready to go that night or on Saturday; I said, 'Neither, I want a week's notice.' He said, 'Then take a week's notice from to-night,' which I agreed to do, although I was entitled to a week's notice from the pay-day. I have been in the employment of Oldham Whittaker 16 years; I continued to work until the Tuesday night, when my notice expired; but on the Saturday previous, another person, Frank Taylor, was brought to my duties, and he continued there about three weeks, when he was removed to another place. The looms of which I had charge continued to work after I left, and are still working. I have a character signed by the cashier for Mr. Whittaker, which states that I have left owing to the stopping of the looms. I have a wife and two children, one a month old when I was discharged. And I make this solemn declaration, conscientiously believing the same to be true: Joseph Gee. Declared at Ashton-under-Lyne, in the county of Lancaster, the 10th of April 1869, before me, S. D. Lees, Justice of the Peace for Lancashire."

2566. Do all the declarations refer to Mr. Oldham Whittaker?—I have two others that refer to Mr. Oldham Whittaker, but I have another from another party which refers to Mr. Buckley, of Ryecroft:—"I, Plant Chadwick, of Ashton-under-Lyne, in the county of Lancaster, do hereby solemnly and sincerely declare that I have worked at Mr. James Buckley's mill at Ryecroft, Ashton-under-Lyne, for 22 years, 18 years of which I have been a self-acting minder, but was discharged on the 30th of December 1868. William Chadwick, the manager, told me that I was to stop work when I had doffed my mules; and on asking him who had ordered my discharge, he told me that it was Mr. William Buckley, brother of the owner of the mill. I told him I would see Mr. William Buckley, but previous to my being able to do so, Mr. William Chadwick again called upon me, and said he had seen Mr. William Buckley at No. 2 mill, when he told him that I wanted to see him, but Mr. Buckley informed him that he did not want to see me, but I must go to the office and get my wages; and the manager said I might as well dress myself at once, and go to the office and receive my wages. I said, 'No; I would rather see Mr. William Buckley myself before I left.' Afterwards I went and saw Mr. William Buckley, and asked him the cause of my being discharged. His answer was, 'Why, has not Mr. Chadwick told you?' I said he had not done so; when Mr. Buckley said he had nothing to do with it; the manager had done it on his own responsibility; but I feel perfectly assured that the reason of my being discharged from my employment was owing to my having voted for Mr. Thomas Walton Mellor at the election the previous November. I have a wife and five children, and am now only earning 10 *s.* per week as a piecer, instead of 24 *s.*; and I make this solemn declaration conscientiously believing the same to be true.—Plant Chadwick.—Declared at Ashton-under-Lyne, in the county of Lancaster, the 10th day of April 1869, before me, S. D. Lees, Justice of the Peace for Lancashire."

Mr. *J. Hampson.*

20 April 1869.

2567. Are Mr. Whittaker and Mr. Buckley aware of the existence of those declarations?—I am not acquainted with that myself.

2568. How were those declarations obtained?—By the men coming forward themselves; they made statements to me before we gave them any relief at all, and those statements are embodied in those declarations. We did not want to have any bother about it ourselves; we wanted everything to die away quietly, but still, at the same time, we must relieve them, and consequently we had their declarations made, and we saw that they were correct before we gave them any relief.

2569. But those declarations on oath were made a few days since, were they not?—Those declarations are exactly in unison with the first statements made by the individuals discharged.

2570. But those declarations were only made a few days since?—Yes, on the 10th of April.

2571. Probably you obtained them for the purpose of bringing them here?—Certainly.

2572. You are not aware whether Mr. Whittaker and Mr. Buckley knew that those statements affecting them have been made?—I am not aware of that.

2573. Mr. *Bright.*] There was nobody to make any reply or explanation when those men went before the magistrates?—I am not acquainted with that.

2574. Sir *George Grey.*] Who took those people before the magistrates to make the declaration?—I did.

2575. How did you collect them?—I sent for one from Alderley Edge.

2576. You knew the cases. did you?—Yes, I had got their statements.

2577. How were the statements originally made?—By themselves in their own handwriting.

2578. Did they come voluntarily in the first instance?—They came voluntarily to me.

2579. Mr. *Edward Egerton.*] They came to get a portion of this fund, and in order to satisfy yourselves that what they stated was true, you got those statements taken down?—Yes, that is how it was.

2580. *Chairman.*] Was the election, upon the whole, conducted quietly?—It was remarkably quiet, and far more so than the municipal elections are; in fact, the whole town was decidedly in favour of one person.

2581. I presume there was no violence?—No, there was not a single individual taken into custody; and not a single case of drunkenness that I know of; in fact, the whole body of the police themselves say they never saw anything so quiet.

2582. But there is some violence, is there not, sometimes at the municipal elections?—Yes, there is at some municipal elections.

2583. What sort of violence is that; are voters prevented from going to the poll?—Yes, and bottled; kept in public-houses. They hold committee-rooms in public-houses, which we do not do in the Parliamentary election; and it is a great evil having committee-rooms in public-houses. In the municipal elections there is no controlling power over them the same as in the Parliamentary election, each man will do as he thinks proper, and they are not afraid of the expense; in fact, I believe, that the election in

Mr. *J. Hampson.*

20 April 1869.

one ward in the town has cost as much money as the Parliamenary election did this last time; I am speaking of the Portland-place Ward.

2584. Do you mean to say that committees were not held in public-houses for the Parliamentary election?—No, they were not.

2585. Why not?—We had rooms on purpose for that; there was no necessity for having committee-rooms at public-houses.

2586. What is the necessity of having them in public-houses at the municipal elections?—Because they will do as they have a mind; there is no fear, they can spend what money they have a mind, and carry on any bribery, corruption, or intimidation, or drinking, or whatever it may be in the municipal elections; there is no controlling power municipally. It wants altering all together, there is no doubt about it.

2587. Have you ever attempted to stop the practices which you have described by putting the law in force?—I have always determinately set my face against them, because I am satisfied from the position of parties that we have nothing at all to fear by carrying a pure election.

2588. How have you set your face against them?—In meetings amongst gentlemen, or working men, or whatever it might be.

2589. That is to say, you have attempted to conduct the elections without any such practices on your side?—I have, and we have stopped them on our side.

2590. But have you ever attempted to put the law in force against such practices on the other side?—No.

2591. Why not?—I am not fond of law sufficiently for that.

2592. Should you not appeal to the law if a man picked your pocket?—I do not know; I should question whether or not.

2593. Is that dislike to appeal to the law the only reason why no attempt has ever been made in Ashton to put the law in force against persons who, as you state, break the law at the municipal elections and the Parliamentary elections?—That is the only reason as far as I am concerned. I only speak of my own knowledge for the last five years. In the case of a man being nearly killed we raised a subscription for him. I did it myself, and helped him in that way; but as to putting the law in force against parties I let it drop through.

2594. Do you think that if the law was in any way simplified and made easier of being put into operation it would prevent the corrupt practices you speak of?—I should make it the same as the Parliamentary election for bribery, corruption, or intimidation, and let the law apply to the one as well as the other; let there be conformity.

2595. Do you state that it was perfectly well understood that such intimidation prevailed at the Parliamentary election?—Yes.

2596. Is there not a law against that?—Yes.

2597. Could you not have prosecuted the person who used such intimidation?—I could.

2598. But your dislike to appealing to the law prevented your doing so?—Yes, we had gained a victory, and consequently we rested satisfied with our gain.

2599. Did this intimidation prevail only when the election was going on, or did it prevail previously?—It prevailed for a week or a fortnight before.

2600. But you did not consider it worth while to put the law in motion?—No; I was satisfied with the victory.

2601. Are you and other gentlemen in the borough satisfied with the existing state of things, or do you wish to see any remedy adopted for this system of intimidation?—So far as I am concerned, I have always been opposed to the principle of the ballot, thinking that it was un-English, but from the conduct exhibited at Ashton-under-Lyne, during this last time, and during all our municipal contests, and also in the county, I do thoroughly believe that it will be better, and more advantageous to the country, for the ballot to be carried into effect. I believe that with the franchise being extended so widely, and so liberally now, working men require some protection to guard them in giving their votes, whether it be by the ballot, or any other means. I do not know, only from my knowledge of Ashton-under-Lyne, I am satisfied that things will always be unpleasant, excepting they have the ballot. It is a very hard thing to think of people working 22 years for a gentleman, and then that they should be discharged for recording their votes according to their own conscience.

2602. Is it the extension of the franchise which has changed your opinion upon the subject?—No; it is the extension of the franchise that necessitates the operation of the ballot.

2603. Are you in favour of adopting it for both the municipal and the Parliamentary elections?—Yes, both for the municipal and the Parliamentary.

2604. And you are in favour of making the law affecting bribery, treating, and intimidation at the municipal elections the same as with regard to the Parliamentary elections?—I am.

2605. Those are the two changes which you would recommend?—Yes.

2606. I think you said there was gross intimidation by roughs in the municipal election?—Yes.

2607. Are those men paid?—Yes; those roughs were paid, to my certain knowledge.

2608. You never employ roughs on your side, I suppose?—I never employ roughs on our side; I believe there were some employed by some private individual, but I had nothing to do with it; it was contrary to the feeling of the people generally, only he took it upon himself, upon his own private account, to employ some few at the municipal election.

2609. What was the object of the exercise of the intimidation that you have spoken of by the millowners and the Corporation servants?—To keep the power of the Council in the hands of a certain party. They have got, as I stated before, twelve councillors on their side and all the aldermen, but they were afraid of two of the councillors being taken from them, which would not have given the other party the majority, but they were in fear of it, and they are in fear of it at the present time.

2610. What power does the Corporation possess?—Over the men simply as labourers; some may be sweepers of the streets, some may work at the gravel pits, some may be paviors, some may be cutting sewers, or such as that; they employ a great number of servants.

2611. Has this list, which you call the Victim Fund List, been published and circulated in Ashton?—Yes, amongst all the millowners; but only amongst the millowners, in order to get work for the people who were discharged.

2612. So

2612. So that the millowners names who are stated here as having discharged men, are known generally?—Yes, they are so.

2613. Has this list been placed in the hands of the gentlemen whose names are given here?—No, I have merely sent it out to parties who I thought would employ the men.

2614. When was this printed?—It is dated December 2nd.

2615. Mr. *Bright.*] The statements were got up in December, but was that little pamphlet printed in December, or not till a later period?—The statements were got up in November; we paid a portion of the people in the week of the election, that is on the Saturday after, to the amount of 5 *l.* 12 *s.*, which was their first half week.

2616. When was it actually printed and circulated?—It was printed on the 2nd of December, or the day after; I gave it in to the printer on the 2nd of December, to be printed the day after.

2617. Mr. *William Henry Smith.*] There is a list of 242 persons who have been discharged, and it is alleged that they have been discharged and are the victims of intimidation in each case, on the part of their employers; I want to know whether the persons against whom those charges are brought, have been informed by the general publication of those statements that they have been so charged with intimidation?—No.

2618. Then to what extent has this been published?—To the amount of about 50 copies; we have had several editions of them.

2619. Has it been printed and circulated privately, but not publicly?—It has been merely sent to the millowners, and it is merely an application to them to find employment for the men in consequence of their being discharged by certain individuals.

2620. Has there been any answer to those statements on the part of the persons charged?—No; I have a copy of a statement made here which will bear upon the case. It is from Mr. Oldham Whittaker himself, the gentleman who has discharged the greatest number of hands; it is a notice signed by himself, and it is dated the 19th November 1868; it was posted in the workshop windows, "Notice. James Andrew stated, at the meeting held in the Saint John's church school, that he knew that despicable and iniquitous means were being used to obtain votes for Mr. Gibson, and he hoped that the electors would not be bribed by 8 lbs. of beef. Enos Andrew went into the Saint John's church school and kicked and smashed the polling-booth erected by Mr. Reginald Whittaker, under the authority of the mayor and by permission of Mr. Greenwood. The Rev. La Fontaine almost spat in my face, and pointing at me, shouted across the street in front of the blue committee-rooms, that I ought to be in a lunatic asylum, and subsequently ordered me out of a polling-booth, although I had the authority of the mayor for being there. When James Andrew has proved that there was one single case of a vote being obtained by despicable and iniquitous means, and when he has proved that there was a corrupt motive or an intention to bribe in giving out the beef; when Enos Andrew has made ample apology for smashing and breaking the polling-booth; when the Rev. La Fontaine has expiated the insults he has offered to me, those hands that have been discharged from their work for aiding and abetting these slanders shall be taken on again. November 19, 1868, Oldham Whittaker. The above is a correct copy of the notice posted by Mr. O. Whittaker, Joseph Gee. Declared at Ashton-under-Lyne, in the county of Lancaster, the 17th day of April 1869, before me, S. D. Lees, Justice of the Peace for Lancashire."

Mr. *J. Hampson.*

20 April 1869.

2621. You allege that the statement, a copy of which you have read, acknowledges that certain persons were dismissed for being parties to practices of which their employer disapproved; is that so?—That is so.

2622. And you take that as being, to a certain extent, an acknowledgment of the fact that they were dismissed for voting?—Certainly.

2623. That is your allegation?—Yes.

2624. Then the gentleman to whom you refer is aware that he is charged with having dismissed persons for having voted?—No, I have had no communication with any party; I have done my business in a straightforward manner between man and man; I am satisfied in my own mind, and I have no occasion to refer to Mr. Oldham Whittaker or any party, that the statements given by the working men were perfectly correct.

2625. You stated that the occupants of the houses in three streets in Ashton voted in one particular way; were those streets the property of certain millowners?—Yes, all three streets were the property of one millowner, and the persons living in those streets worked in the mill.

2626. That is a common practice in Lancashire, is it not?—Yes.

2627. You state that in one case, where a man went against his employer, that person was discharged, or removed from the street?—Yes, that was where he remained neutral.

2628. Because he remained neutral he was removed from the street?—That is the only reason that I ever knew for it.

2629. You do not know whether he was a bad workman, or anything of that sort?—No, he is working in the town at the present time in the same position.

2630. Was this millowner at that time an active member of the committee of the candidate?—Yes, a most active member.

2631. You say, with regard to the Parliamentary election, that improper practices prevailed in every shape and form excepting bribery?—Yes, excepting bribery.

2632. Treating was general, but not extensive on the other side?—Not extensive.

2633. Intimidation and undue influence prevailed?—Yes, to a great extent.

2634. Was it confined to the millowners?—No; property owners and others belonging to the Corporation practised it.

2635. Are the millowners and the property owners the same people in Ashton?—No, a person may own 10 or 20 houses, and yet have nothing to do with a mill.

2636. But was there any intimidation on the part of the workmen against each other?—No; the workmen would have been all right; at least it was, as I said before, a remarkably quiet election, because the working men will not go against each other except they are excessively bribed.

2637. When you say that they would have been all right, do you mean that they would vote in a particular way, or that they would permit

Mr. *J. Hampson.*

20 April 1869.

permit each other to vote as they pleased?—They would vote according to their principles.

2638. No pressure is exercised in Ashton by one workman over another, or by any body of workmen over other bodies of workmen?—There is not.

2639. The trades' unions, for instance, have they no influence?—No; they eschew interference with political matters altogether, because they are composed of the two parties. I do not belong to that body myself, but I may say, from information, that I have been told they never bring forward or moot politics at their meetings at all, so far as the workmen are concerned.

2640. Mr. *Edward Egerton.*] You have spoken as to the considerable pressure that is exercised by the Corporation upon different people; is it a fact that the town of Ashton has borrowed a very large sum from the Public Works Loan Commissioners for the relief of the cotton operatives who were thrown out of employment?—Yes, it is a fact; I do not remember the amount.

2641. In consequence of those funds, is it not the fact that the Corporation are engaged in very extensive works, making fresh sewers and so on?—They have borrowed funds for several purposes, for necessary public works in the cotton panic, to the amount of 217,000 *l.*

2642. That gives them the command of a great number of workmen?—Yes, and vast influence.

2643. Therefore the influence of the Corporation, very extensively exercised, has very great effect upon any election?—It has.

2644. You have stated to the Committee today that you believe the whole of that influence was exercised on one side?—Distinctly so.

2645. And you stated to the Committee that you were the first person who thought of starting what you call the Victim Fund?—I was.

2646. I presume you talked and consulted with other gentlemen in the town before you started it?—Yes, I did.

2647. What is the general feeling in Ashton-under-Lyne?—I saw one or two gentlemen who told me to call a meeting of gentlemen. Then they gave me instructions what to do to form a committee out of our association, and left them to act as a committee, and have the controlling power of the fund, and they amongst themselves contributed 10 *l.* or 20 *l.*, whatever it might be, to relieve them.

2648. Have you found any assistance from gentlemen on the other side who were anxious to put an end to this system of intimidation?—No, I have not; they would be very sorry to lose the power.

2649. Did you make any application to any one on the other side?—No, I did not.

2650. Have you any suggestions to make to the Committee with a view to putting an end to such a state of things as you say exist?—I do not know that I have, except what I mentioned to the Chairman, namely, the ballot. Some parties do not believe in the ballot, but so far as I am concerned, from my knowledge of the facts as they have occurred in Ashton, I think it would be a great boon and blessing to the working man in protecting them in their votes.

2651. Do you think that the ballot would put a stop to this state of things which you have described?—Either the ballot or some other form of secret voting, but I am not able to judge of any other form; I only know that it is a very bad state of things that exist at present in Ashton.

2652. I think you stated that at the last Parliamentary election at Ashton there was no bribery of any sort?—No bribery at all by either party.

2653. Was there much demonstration of feeling?—There was very much demonstration of feeling; in fact, the whole town was blue, men, women, and children.

2654. That was the colour of the Conservative candidate?—Yes.

2655. Mr. Mellor has resided for some time, has he not, in Ashton?—Yes, all his life, I think.

2656. Is he a large employer of labour?—Yes.

2657. And very much respected?—Yes.

2658. There was a general feeling, was there not, on behalf of him as a townsman?—Yes, there was throughout the town, and there is at the present time.

2659. Do you think that in the case of a stranger coming down to contest Ashton there would be the same pure feeling which was evinced at the late election?—Yes, we could have carried a stranger.

2660. Then you do not think that the state of purity was entirely due to the confidence which the town had that they should be able to return Mr. Mellor?—I believe it is due to the majority of the working men being Conservative in feeling. The two wards that are represented by Conservative parties number some 300 or 400 more than the other two wards, which are represented by Liberals.

2661. As secretary to this society, I suppose you have the means of ascertaining the opinions of the working men?—I have.

2662. What are their opinions generally with regard to the ballot?—The Conservative working men are in favour of the ballot.

2663. Do you think that that is the general feeling, without reference to politics?—Yes, it is.

2664. Did it form the subject of many discussions at the public meetings, previous to the election?—Not the public meetings; we do our business very quietly amongst the committee and the general body.

2665. Were there no large general meetings held by the two candidates?—Yes; but I never heard that question mooted.

2666. How did you arrive at your knowledge?—By the members of our association, which are over 600 or 700.

2667. The members of your association are all Conservatives, are they not?—Yes; they are working men, and they meet there sometimes three or four days a week; but I may say that the same feeling is on the other side amongst the working men.

2668. What is Mr. Mellor's opinion with respect to the ballot?—I believe his opinion is in favour of the ballot.

2668*. Did he pronounce himself to be so?—He did.

2669. Mr. *Raikes.*] Is it not the custom in the municipal elections at Ashton to send to the mill-owners a list of the persons in their employ?—It is known that they send them as far as to Oldham, to Messrs. Hibbert and Platt.

2670. Who send them?—I do not know who sends them, but they go there; whether they go from

from the Reform Union, or where it is, I do not know, but we have had a number of men discharged from Hibbert and Platt's on the same principle, as from Mr. Oldham Whittaker.

2671. Mr. *Bright.*] Will you undertake to say that anybody has been discharged from Mr. Platt's works on account of his voting?—I do not say so; I have got no case.

2672. But you did say so?—I have got the persons names.

2673. You say that, do you?—Yes, we had them on our Victim Fund.

2674. Is it within your knowledge that at the last election for Oldham, more than 400 persons who worked for Mr. Platt, voted against him?—I do not know that; I had nothing to do with Oldham; I was confined to Ashton.

2675. Has Mr. Platt any works at Ashton?—No; he has not.

2676. Has he workpeople living at Ashton?—Yes; there are a number of workpeople living at Ashton and working at Oldham.

2677. Mr. *Raikes.*] With respect to Messrs. Hibbert and Platt, is it the custom amongst the millowners where they have those lists sent to them, that they influence the persons in their employ?—Yes.

2678. Have you seen overlookers bringing up men in a body to vote?—No, I have not seen that; I have heard of it, but I do not know it of my own knowledge.

2679. Has your attention been called to a placard to this effect: "Election of Members of the Local Board. As the masters in these mills pay all the rates of tenants living in their cottages, it is expected that they will vote for the persons nominated by Mr. Whittaker; the other workpeople are requested to do the same. By order; Hurst Mills, April 12th, 1869?"—I have seen that placard.

2680. Mr. *Bright.*] You say that you have seen that placard; have you seen it before you came to-day into this room?—I have seen a copy of it from there.

2681. Have you seen the placard itself?—Not in the mills.

2682. Have you seen it at all as a printed placard?—I have seen two copies got by two individuals exactly similar; I offered a person 5 *s.* to bring me the original copy, but I could not get it.

2683. You have not been to the mills at Hurst, and seen it upon the walls?—No.

2684. Mr. *Raikes.*] You put confidence in the person who shewed you the copy?—I am perfectly satisfied that the copy is a correct copy; I have got it from two different parties.

2685. Mr. *James.*] When did you get the copy?—At the beginning of last week; on the 13th, I think it was.

2686. You knew of those men being discharged, and you established the Victim Fund in November?—Yes.

2687. Did you go on the 10th of April before a magistrate and get those declarations?—Yes; because I thought there was a necessity for it.

2688. In what respect?—To shew to this Committee the reason why they had been discharged; to make it properly official; I got it for this purpose.

2689. Were the people sworn to it?—The declaration was made before a magistrate.

2690. But nobody seems to have been sworn at all; it was simply a statement?—Simply a declaration, not an oath.

2691. Is Mr. Lees a magistrate of the borough of Ashton?—For the county of Lancashire, not for the borough.

2692. Mr. *Dalglish.*] In the printed list which you gave in, I find there are 29 victims coming out of Mr. Whittaker's mill, and there are only 42 altogether; how do you account for that immense per-centage coming out from Mr. Whittaker's mill?—But we had more than those; we had upwards of 40 from Mr. Oldham Whittaker's; that which you have before you is merely the first edition of the publication; we have had two other publications since that; we have had about 70 to relieve.

2693. Seventy out of Mr. Whittaker's mill?—No, about 40.

2694. How many hands does Mr. Whittaker employ altogether, do you suppose?—I am not prepared to state that; they employ a great number of men, they have got two very large concerns.

2695. Do they employ 400?—Double 400, I should say.

2696. Therefore, if they have 800, they have turned away one-twentieth of the whole of their hands from political motives?—They turned away near upon 50, but 40 we relieved.

2697. Then there would be a still greater proportion; was it not stagnation of trade, or any other cause which led to the dismissal of those hands; no stagnation of trade?—Not to my knowledge.

2698. Mr. *Cross.*] You say that you think you ought to have the ballot now in consequence, as I understood you, of the increase of the constituency?—In consequence of the power which the masters exercise over the increased constituency, that is to say, the working men.

2699. You mean over the lower class of voters?—Yes.

2700. Are the working class in Ashton-under-Lyne rather educated for their station in life or not?—They are.

2701. You do not think that they are in danger from their masters, simply from want of education?—No; they are better educated than their masters, some of them.

2702. You say that you could have returned for Ashton-under-Lyne even a stranger, if he had been a Conservative?—We could.

2703. How was it that, under those circumstances, Mr. Milner Gibson represented Ashton for so long?—Because it has never been in the hands of the working men before. The extension of the franchise has given us that. It was the 10-pounders formerly, the shopkeepers and others, and therefore they had a majority of something like 100 or so in that constituency; but the moment it was extended to the working men, then it was extended in the proper direction to the Conservative element of society.

2704. You mean that the working men of Ashton-under-Lyne are more Conservative than the old 10-pounders?—Most undoubtedly.

2705. *The O'Conor Don.*] I see amongst the list of persons discharged several women, and apparently some of them are not the wives of any voters, how do you attribute their being discharged to political influence; for instance, take No. 23?—No. 23 is "Sarah Goddard, 67 Queen-street, lodge-keeper at Whittaker's, discharged

Mr. *J. Hampson.* — — 20 April 1869.

19th November 1868"; she was a relation to parties who are voters.

2706. What relation?—I cannot exactly say the relationship, but she was a relation.

2707. If you look at No. 37, it is stated that Jane Salt was discharged for wearing a blue ribbon on her neck; do you believe that to be the fact?—She is a relation to a person who voted for Mr. Milner Gibson, and daughter to a person of the name of Ford.

2708. You believe that not only voters themselves were punished for the exercising of their franchise, but even their relations?—Yes, even their relations.

2709. Mr. *Staveley Hill.*] What was the date of your beginning to get up this association?—After the election.

2710. How long after the election?—The same week; there were some of them discharged on the 19th. Trade has been, I believe, very bad, generally speaking, and they were out directly, and they felt the effects of it the same week, and they made an application, and I gave them something on account.

2711. About how many applications were made to you before you got up this society?—We had, I daresay, 30 in the first six or seven days.

2712. Then you got up subscriptions; what date did you begin to relieve them?—The same week as the election.

2713. You say that their cases were investigated by a sort of committee of 12 working men. Were those men who had been taking an interest on behalf of your candidate?—Part of them had, and part had not.

2714. Did they sit and investigate the cases, and have the people before them?—They did.

2715. And did they settle how much each man was to be paid?—Yes; they not only went to the parties themselves and inquired, but they made inquiries of the neighbours.

2716. Did they report to you?—Yes; they reported to me.

2717. Who was it settled what amount should be paid per week?—We settled it amongst ourselves. We paid them two-thirds of what they were earning. If they were earning 21 *s.* per week, we paid the 14 *s.*

2718. Then did you publish that list with a view of getting them situations?—We did; we sent them round by Rochdale and Oldham.

2719. There are a great number of persons mentioned in the list as having been discharged from Messrs. Oldham, Whittaker & Co.; why did not you send this list to them?—I saw no necessity for it; they would not employ the hands whom they had discharged.

2720. Do you believe that this pamphlet came, shortly after it was printed, to the knowledge of Mr. Whittaker?—I do not know anything about that; I merely published the pamphlet in order to get the people employed whom they had discharged.

2721. Do you believe that Mr. Whittaker knows now of this pamphlet?—I do not know.

2722. Nor with regard to any of the others?—No; that was not my duty.

2723. *The O'Conor Don.*] Was the fund that you collected for the purpose of relieving those people sufficient to meet all the demands that were made upon you, or were you unable to meet all the requirements?—While we kept it on it was sufficient.

2724. But when you left it off were any of the people out of employment who alleged that they had suffered in consequence of their votes?—There are some out of employment now, and I am relieving some at the present time.

2725. Why did you leave it off; was it because you were unable to continue it?—We were unable to raise the funds.

2726. The funds fell short?—Yes.

2727. Mr. *Leatham.*] You mentioned one of Mr. Mason's tenants who was discharged because he remained neutral; was that at the last election?—No, that was sometime ago.

2728. It had no connection with the Parliamentary election?—No, not with the Parliamentary election; it was connected with the municipal election.

2729. Did you ever hear of any one tenant of Mr. Mason's having been discharged?—No; they all vote one way; they do not need any discharging.

2730. But your inference was that they would be discharged if they voted the other way?—I did not say so.

2731. Do you think that they would be discharged if they voted contrary to their employer?—I cannot say; probably if it was carried on to any extent it might be so; but I do not wish to speak to anything but what I know as a fact.

2732. Did Mr. Murphy go to Ashton?—Yes, and he did a great deal of harm there when he came to Ashton.

2733. He stayed there some time, did he not?—No, he did not; he was only there a day or two. I think he visited us three or four times.

2734. You say that he did you a great deal of harm; in what respect do you mean?—He did a great deal of harm to our cause.

2735. That is to say, he induced the working men to vote against you?—No, it was not that; I do not believe in him; he did us no good.

2736. He did not produce any ill-feeling, did he, between the Irish workmen and the English workmen?—Yes, he did.

2637. The Irish workmen, most of them, voted for Mr. Milner Gibson, did not they?—Yes.

2738. And you do not from that suppose, do you, that the English workmen voted against Mr. Milner Gibson because they had an ill-feeling against the Irish workmen?—No, I think not.

2739. Mr. *Brand.*] Did you take any steps to ascertain the truth of the allegations contained in those declarations?—No, only that they were discharged.

2740. Did you communicate with the parties implicated?—The committee inquired about them themselves, and they brought information that their statements were literally true, and then the committee ordered a certain amount of relief to be given to them; that was the only thing that I know about it; I did not go to the mill to ask Mr. Oldham Whittaker about it.

2741. Were the declarations made upon oath?—No; it is simply a declaration, but I might have had them sworn to. It was read over in the presence of the magistrate, and he asked if it was all right and correct, and the person said, "Yes."

2742. Were they made before a single magistrate?—No, there were two: Mr. Ralph Bates, of Staleybridge, and Dr. Lees, of Ashton.

2743. Were they made in open court?—No, at their private residences.

2744. Mr. *Bright.*] Was Mr. Oldham Whittaker,

taker, about whom you have been speaking so much, spoken of as a candidate on your own side before Mr. Mellor was brought out?—He was a supporter of Mr. Milner Gibson.

2745–6. Was he not spoken of as a candidate on your side?—No, he was not.

2747. Do you know that no offer was made to him to come out on your side?—Never officially; I did hear that two gentlemen did go to him; but if they did, they did so without any authority at all; I had no voice in the matter.

2748. But before you had agreed upon your candidate, was not that so?—I had nothing to do with it.

2749. Mr. Mellor himself did not profess to be a Liberal at the election?—No, a Conservative.

2750. The only point on which he agreed with the Liberals was that he was in favour of the ballot?—That was the only point; he went in as an independent member, elected by the Conservatives.

2751. But in favour of the ballot?—In favour of the ballot.

2752. Therefore it may be taken, may it not, that the whole constituency of Ashton on both sides are in favour of the ballot?—A great portion of them, not all; they are very much divided amongst themselves; but the greater portion of those people who feel our position most are in favour of the ballot. For instance, we have persons who work at Mr. Hugh Mason's, or at Mr. Buckley's at Ryecroft, who would vote Conservative if they durst do so, and they did to a very great extent, in fact; and to prove that I could show you that if I want any information from them of any removal or any alteration in any shape or form, I have no occasion to send for a man to survey the property, or to look over the property, but I can get the information from the very hands employed by the firm themselves who voted against us.

Mr. *J. Hampson.*

20 April 1869.

2753. Mr. Hugh Mason has a large business in Ashton, has he not?—Large mills.

2754. Has he not built extensive schools there and reading-rooms for his workpeople?—He has improved his property.

2755. Will you answer my question; has he not built extensive schools and reading-rooms, and a complete establishment of that kind for his workpeople?—Yes, certainly he has.

2756. Has he not laid out many thousand pounds?—I do not know.

2757. Will you be kind enough to tell me if you know whether he has laid out a good many thousand pounds in that way with a view to the instruction of his workpeople, or affording them the means of instruction and recreation?—I cannot answer that; I cannot see my way clear to answer it, because I am not acquainted with that property down there; I never go to it; I have no occasion to go to it.

2758. I thought you said that if you went there to ask any of his workpeople about any matter, they were quite ready to give you any information?—No, I say if I want any information about that property, I have no occasion to go and survey it, or anything else, but I can get information from the parties living there.

2759. Have you ever seen those schools and those reading-rooms?—No, I have not.

2760. Not even the outside of them?—I have seen what I suppose to be the outside of them, but I could not tell which was the one and which was the other.

Mr. JOHN WILSON, called in; and Examined.

2761. *Chairman.*] You live at Ashton-under-Lyne, I believe?—I do.

2762. In what trade are you engaged?—I am an ironmonger.

2763. Have you heard the evidence which has been given to the Committee by Mr. Hampson?—I have.

2764. Do you concur with him as to the amount of intimidation which has prevailed at both the municipal elections and the Parliamentary elections?—I do.

2765. I believe you can give some evidence yourself of the effect of voting, according to your political opinions?—I can.

2766. What are the circumstances?—For six years previous and up to the election, Mr. Oldham Whittaker, who is the owner of large cotton mills in the borough, and a very strong and active partisan of one of the candidates, was in the habit of obtaining from me large quantities of ironmongery for his mills and cottages, and I also had a current account with him for furnishing ironmongery for his house during the whole of that time; Mr. Rowley and Mr. Reginald Whittaker, the son-in-law, and the son of Mr. Oldham Whittaker, were also in the habit of obtaining from me their furnishing ironmongery from the time of their marriage. The cashiers, managers, and others also did business with me, in consequence of the firm, I believe, employing me. On the first Wednesday after the month after the election I went up as usual, and saw Mr. Robert Wallwork, the principal manager, from whom I generally received my orders, and I asked Mr. Wallwork for them. His reply was, "There will be no more orders for you here, Mr. Wilson." I then said, "How is that?" He said, "It is through the election." I said, "Can't I exercise my opinion freely?" He said, "The order is you are not to have any more orders." I said, "Can I see Mr. Whittaker?" He said, "He is from home." I then said, "Can I see Mr. Rowley?" He said, "He is from home;" he also said, "It would have been better for you if you had not taken any part in the election, as you will lose a deal by it." And from that day to this I have not received an order from Mr. Oldham Whittaker, or his son, or his son-in-law, or any of his managers. I took an active part in the late election at public meetings in favour of the candidature of Mr. Mellor, but on no occasion did I ever mention the name of Mr. Oldham Whittaker, or in any way allude to him; I can only attribute the withdrawal of his business to his displeasure at my having taken an active part in securing the return of Mr. Mellor, who was opposed to Mr. Oldham Whittaker in politics; and I am, in fact, quite certain that it is the only true cause; it has never been alleged by Mr. Whittaker, or any of his servants, that the firm was dissatisfied with goods supplied or work done by me.

Mr. *J. Wilson.*

2767. Have

Mr. *J. Wilson.*

20 April 1869.

2767. Have you taken any steps since that occasion which you have mentioned, to have an interview with Mr. Whittaker?—I have never taken any steps since.

2768. Then it is only surmise on your part; it is not absolute certainty?—When I asked Mr. Wallwork why I was not to have any more orders, he said that it was through the election; so of course, I then came to the conclusion in my own mind, that he had withdrawn his custom and his work from me for having voted for Mr. Mellor.

2769. Are you also an advocate of the ballot?—I am, both for the municipal elections and the Parliamentary elections.

2770. Has any pressure ever been put upon you as to your vote at the municipal election?—Tradespeople in general in Ashton-under-Lyne are supported on the one hand, by Conservatives, and on the other hand, by Liberals, that is to say, they choose their tradespeople, according to their politics.

2771. Do you mean to say that customers in Ashton generally choose their tradesmen according to their political opinions?—Yes; if a tradesman votes according to his own opinion, and he is doing business with millowners, if it is in opposition to their principles, that is taken advantage of, I am certain; the ballot would, in my opinion, remedy that.

2772. It was known previously to this election, was it not, that you held Conservative opinions?—Yes.

2773. Had you voted for Conservative candidates at the municipal elections?—I am a member of the town council myself as a Conservative.

2774. That was known to Mr. Whittaker?—It was.

2775. But he continued to employ you until the Parliamentary election?—He did; I should like to state to the Committee that I am not only in favour of the ballot, but I would recommend that one year's occupation should suffice for a person to give a vote in the municipal elections; there was one subject which has been alluded to by Mr. Hampson, who has given evidence about the election of aldermen in our town council: there are 12 councillors in the two wards which are termed Conservatives, and 12 in the other two wards which are Liberal; but the 12 councillors who are elected by the Conservatives represent a greater number of burgesses than the 12 who are chosen by the Liberals, and the aldermen, of course, are all upon the Liberal side in politics.

2776. Why do you say "of course"?—For this simple reason, that the mayor gives his casting vote, and has given the power on that side; and we find from time to time that gentlemen have become aldermen, whom the burgesses have actually rejected when they have appealed to them for their suffrages to become councillors; and therefore I should be glad if the aldermen could be chosen by the burgesses.

2777. Do you think that the town council have much influence in the Parliamentary elections?—Yes, they have.

2778. Have the officers appointed by the corporation, exercised a good deal of influence?—They have.

2779. Mr. *William Henry Smith.*] You say that the tradesmen are supported by the Liberals on the one side, and by the Conservatives on the other; do you mean to say that Liberals and Conservatives deal with tradesmen without regard to the price or the quality of the articles to be supplied?—Since the last borough election, from what I can see, it is tending in that direction.

2780. Sir *George Grey.*] Have you got any additional Conservative custom since you lost Mr. Whittaker's?—No, I do not think that I have; I have not taken particular notice of that.

2781. Mr. *Bright.*] You would not say that you have not?—At present we could not tell; I really would not say.

2782. Do you think that this exclusive dealing as it is called, has been more shown after this election than on previous occasions in Ashton?—It has been; but we have not had an opportunity of observing it on account of there not being a borough election for some time; but at the municipal elections there has been a very great deal of intimidation and coercion before.

2783. But during the period of years since which you have not had a contest, for instance, whilst Mr. Milner Gibson has represented Ashton, do you think that there had been any quiet, steady influence exerted by exclusive dealing?—Yes, just through the municipal elections taking place yearly, because they know which way the burgesses will go, and by thus giving an expression of their opinion in the support of their favourites to represent them in the town council, they would enable the Liberals to know, of course, the Conservatives, and which way they would go at the borough election.

2784. And of course that would give the same knowledge to the Conservatives?—Yes, I say so.

Mr. Samuel Storey, called in; and Examined.

Mr. *S. Storey.*

2785. Sir *Michael Hicks Beach.*] Have you taken any active part in municipal affairs at Bradford?—Yes, I have been a member of the corporation of Bradford for some years; I entered it in the year 1857, and I served a period of three years; I was then out of the corporation for about two years; I entered it again I think in the year 1861, and I then served I think five years.

2786. Have you been an alderman?—No.

2787. Or mayor of Bradford?—No.

2788. What is your trade there?—I am a stuff merchant.

2789. What ward in Bradford did you sit for?—When I entered into the corporation in 1857 I went in for the East Ward without a contest; there was no opposition at all; I was elected in conjunction with Mr. Rawson, who is now an alderman in the borough.

2790. Do you speak mainly for that ward?—That is the ward that I was first elected for; my place of business is in that ward, but when I went in the second time, I went in for the North Ward, where my residence is.

2791. How many wards are there in Bradford?—Eight.

2792. What is the number of municipal electors in Bradford?—I should think over 23,000; I do

I do not know exactly; I think in the East Ward there are something like 3,700 or 3,800; in the North Ward that I afterwards represented, I think there were only 1,300 or 1,400; it is a very small ward.

2793. Are the Parliamentary and municipal boundaries conterminous?—Yes.

2794. Can you tell us the number of Parliamentary electors?—The number of Parliamentary electors is about 21,000.

2795. Referring to the first period during which you sat in the council, what is your opinion of the manner in which the municipal elections were conducted?—At that time there was not the slightest political feeling ever brought to bear in the elections, nor was there any sign of political feeling inside the council; the Conservatives and Liberals of all shades seemed to work together, and we knew nothing at all about each others politics; that continued, I may say, up to the close of the municipal year in 1867; we then had a Parliamentary election in the month of October; Mr. Wickham died, and we had a contested election; this election was a very sharply contested election, and it left a good deal of bad feeling behind it, which was shown at the following election in November for the councillors.

2796. During the time that you have spoken of as being devoid of political feeling in the municipal contests, were the municipal elections pure, or were there any corrupt practices at them?—Not to my knowledge; I never had been engaged in any contest myself. Of course there were the usual meetings at public-houses, and beer more or less given out in the way of refreshment; and there is always a larger number of men that are engaged as canvassers who are paid to some extent.

2797. Was that the case during the time that there was no political excitement in the borough?—If two men struggled to get to be representatives of any ward, of course that principle was carried out; if there was any man particularly ambitious to represent a ward, there was just the same sort of feeling as if it was a political contest.

2798. Do you consider that the practice of treating, or corrupt practices generally, have increased since the political element has been introduced into the municipal elections?—Yes, I think so, decidedly.

2799. In that first period was it usual for the leading inhabitants of the town to take office in the town council?—The leading inhabitants of the town have never done so as a rule; we have had, of course, very first class men as members of the council; but as a rule the leading men in the town cannot be said to have taken their fair share in the municipal offices.

2800. Have you traced any change in that respect during the last few years?—No, I do not know that there has been any change. I think that there are many men who would be disposed to become councillors, but they will not go through the trouble of a contest.

2801. Coming down to the time of which you have spoken, in the year 1867, will you state the manner in which that municipal election was conducted?—As far as I am concerned I feel that I was defeated, not because I had done anything wrong in my position as a councillor, but simply for the part I had taken at the previous Parliamentary election. I was a member of the committee for promoting Mr. Thompson's election: in fact, I seconded him at the nomination, and this appeared to give very great offence, and many men that I am perfectly certain would otherwise have voted for me voted against me. I myself always felt that I was a victim to the part which I had taken in the Parliamentary election. Perhaps other people may think differently. I can only say that I had been two years deputy chairman of the Waterworks Committee, and the last two years that I was in I was chairman of the Waterworks Committee, and I have every reason to believe that I gave satisfaction to the committee, and also to the public; and therefore I cannot understand why I was defeated, if it was not for political considerations.

2802. Was your opponent, on that occasion, a man who had taken an active part politically against you in the Parliamentary election?—No; I hardly know who was my opponent, because one of the parties who succeeded had been colleagues with me for three years, but I declined to coalesce with him, and I looked upon him as my opponent.

2803. Were you defeated by a large majority at the election?—No, I think some 26 or 28, perhaps.

2804. Were there any corrupt practices at that election?—I think there were; I think that many inducements were held out. I do not know that there was any money paid, but of course there was no doubt a great deal of drinking on going on. In fact, I heard of one man who took a very strong part against me, who hired a cab, and he had refreshments, both eating and drinking in this cab, and he took people to the poll in the cab, and refreshed them as he took them.

2805. Is treating practised largely, to your knowledge, or the contrary?—I have no knowledge of any treating, that is, in the shape of money; but of course there were committee meetings at various public-houses, and I daresay there would be a very generous hospitality; but the same thing occurred, I think, on both sides.

2806. Was there any intimidation on that occasion?—I do not know anything about intimidation in respect of the municipal election.

2807. Was there any bribery on that occasion?—I do not know that there was; I have no knowledge that any money passed.

2808. Generally speaking, has any intimidation or bribery existed to any extent in the municipal elections at Bradford?—There is a very strong feeling that at the last municipal elections in November, money did pass, in addition to treating, on a very extensive scale; in fact, in the course of the inquiry consequent upon the petition, parties stated to me that they had received money for their municipal votes.

2809. Have any parties been prosecuted for any acts of that kind in the municipal elections?—Yes; but it generally ends in nothing. When I was defeated, in 1867, two men, I think, if not three, were sentenced by the magistrates for some period of imprisonment. I think a week or 10 days, or something of that sort, for personation.

2810. My questions have been with reference to treating, intimidation, and bribery; have any persons been prosecuted on account of those offences?—I do not recollect any person being

Mr. S. Storey. 20 April 1869.

prosecuted for treating, or bribery in any shape, in connection with the municipal elections.

2811. Speaking of personation, has that existed to any great extent?—I think it is carried on to a very large extent. We have scarcely ever a municipal election; but parties are taken up for personation; but it is generally dropped after a time; they are brought before the magistrates, and I suppose it is thought that there may be cases on both sides, and the feeling of the election having subsided, it is not thought desirable to go on with the prosecution.

2812. The general feeling is not in favour of prosecuting it too severely?—I think parties, after the election is over, do not like to go on with it; however, in the case of 1867, there were two men, I think, in the ward in which I was a candidate, who were sentenced by the magistrates for so many days' imprisonment, and they got a case to appeal to some of the higher courts in London, but I never heard that the matter ever was proceeded with.

2813. Now, coming down to the last municipal election last autumn, can you speak to any corrupt practices on that occasion?—There is a general feeling, that treating to a considerable extent took place; and I tell you that in one or two instances parties told me that they had received money.

2814. Were you a candidate on that occasion?—I was a candidate in the East Ward.

2815. Were you successful or unsuccessful?—I was unsuccessful.

2816. In the East Ward, were there any corrupt practices?—I think there were.

2817. Of what kind?—I think in the way of treating; suppers, and things of that sort.

2818. In the North Ward, are you aware of any corrupt practices at this last election?—No; I think there was no contest in the North Ward.

2819. You have told us that, in your opinion, the Parliamentary election had a great bearing upon the municipal election of 1867; had the municipal election in this last autumn any bearing upon the Parliamentary election which immediately followed it?—Yes; I believe that the municipal election was largely used as a means of influencing the Parliamentary election which had to take place a fortnight afterwards; there is a general feeling that they can do anything at the municipal elections; they can bribe or treat, and are not responsible for anything of that sort; and under cover of the municipal election, I have no doubt great influence was brought to bear upon the Parliamentary election which had to take place a fortnight afterwards.

2820. Then I suppose the municipal election last autumn had a strong political complexion?—It had decidedly, in certain wards, particularly in this East Ward that I am speaking of.

2821. Was it a political fight between you and your opponent upon that occasion?—I did not make it a political one; when I came out as a candidate I did not come out as a candidate upon political grounds at all; and I did not make a political speech during the previous meetings that I attended, but I think that my opponent did make it a political matter.

2822. How was the treating that you have spoken of done; was it by means of drink tickets, or was it done in any other way?—Of course the committee meetings were held at public-houses, and there was a good deal of drinking, I think; and I am told that suppers took place to a large extent, both at the time of the election and afterwards.

2823. Does that observation apply to one side only, or to both?—I have no knowledge of any suppers being given on our side, but I have no doubt that at our various committee meetings drink would be dispensed just in the same way as was done on the other side.

2824. Are you aware that that was done on the other side?—I have no doubt that it was done, but I never saw it; I know nothing of it myself.

2825. Have any points occurred to your mind in which the machinery of conducting the municipal elections might be improved?—I think that whatever law Parliament may pass regulating the Parliamentary elections, the same law should be applicable to the municipal, because the suffrage is now pretty nearly the same for Parliamentary and for municipal purposes, and so long as there is a feeling that practices which are improper can take place in municipal matters, there is no doubt it will be done with a view to influence the Parliamentary elections.

2826. You have told us that, in your opinion, political feeling in connection with the municipal elections first began in 1867; can you trace it in any way to the Reform Act of that year which gave the Parliamentary suffrage to the same class?—No, I only trace it to the election which took place in that year. Party feeling was roused very much, but there is no doubt that now that the suffrage is the same pretty nearly in the Parliamentary and in the municipal elections, you may look forward in the future that the municipal elections will be more or less political. I am sorry to say that it is so, because I think we used to take a pride that in Bradford political feeling had not entered into the corporation, and I think the public got great benefit from it; but I am satisfied that at the elections which have taken place last November, and even the November before, political considerations have very much influenced them in almost every ward in the borough.

2827. Have any difficulties occurred at Bradford by the nomination of candidates for municipal offices without their consent?—No, I think not, but it is necessary to nominate a man, I think, some three days before the election, and that is often made a matter of vexation to the legitimate candidates; parties will nominate somebody else, without any intention really of sending them to the poll. I recollect, in the North Ward, that one man was nominated successively for three or four years, and no vote was ever tendered for him. The result of that is, that it throws expense upon the borough; the polling-booth has to be opened, the alderman of the ward has to preside with his assessor, and this of course brings expense upon the borough, and it also puts the opposing candidates, who are legitimate candidates, to a great deal of expense; they have to print their voting papers, and get them distributed, and really take means for securing the election; and I should strongly recommend that a man should pay, even if it was so small an amount as 5 *s.*, or 10 *s.*, or 1 *l.*, as a guarantee of his good faith, that when he nominates a man he really does it from legitimate reasons. They can nominate up to 12 o'clock at night, and in public-houses men will get together, and we frequently find that nominations come in ten minutes or five minutes

minutes before 12, simply for the purpose of annoying parties who are legitimate candidates, and who may have been chosen by ward meetings.

2828. Do you think there is any necessity, on public grounds, to nominate a man without his consent?—I do not know; I do not like the principle of nominating a man without his consent; I never believed in placing an honour upon a man as a punishment.

2829. Is intimidation practised much at Bradford, either in the municipal or the Parliamentary elections?—I do not think it is in the municipal; I do not think anybody cares about intimidating in municipal matters, but I do think that intimidation has been carried to a pretty large extent in the Parliamentary elections, and this, not done by the principals of the establishments, but I think it has been done to a large extent by overlookers and foremen in the various establishments, who have exercised a very intimidating influence over those who may be under them. I think a great deal of influence has been brought to bear upon small shopkeepers, and that by the working men themselves. In the elections that we have had, the working men have felt very strongly in favour of a particular candidate, and I think they have gone a little bit further than they ought to have done, in the way of pressure upon some of their fellow workmen who may be a little under them in the scale, and also upon small shopkeepers. That is the feeling which we have in Bradford, at least, of the party that I belong to.

2830. Did the foremen and workmen intimidate the same side, or were both sides guilty of intimidation?—I think it has only been on one side; I am not aware of any; I have heard great complaints that influence has been exercised on one particular side; but it is hardly likely that I should hear our own friends come and complain of that.

2831. Has any remedy for it occurred to you?—No.

2832. Do you think that any change in the mode of voting in the municipal and Parliamentary elections would be advisable?—Nothing further than making the law for the municipal elections as strict as it now is for the Parliamentary.

2833. I am asking you now as to the actual mode of voting; do you think that any change in the mode of voting at the Parliamentary or the municipal elections would be advisable?—No; I am decidedly opposed to the introduction of the ballot, or any secret voting; I should not like to resort to it.

2834. Has it ever occurred to you, whether it would be advisable to keep the state of the poll secret during the polling?—I cannot see anything in that at all.

2835. Do not you think that bribery sometimes takes place rather towards the end of the poll, when the candidates are known to be near each other?—If they are running neck and neck, as we say, in election matters, there is no doubt a strong inducement to exercise illegitimate influence, either in the way of bribery or intimidation; I should not care anything about that myself; it is not a matter of any importance.

2836. What measures do you think would be advisable to stop corrupt practices at the municipal elections?—I think there should be a more stringent carrying out of the law; for instance, supposing a party is brought up for personation or for offering bribes; but I have stated that so far as municipal matters are concerned, I do not think there has been any bribery carried out at Bradford. There may have been a few cases of colourable bribery, where men have been engaged; I think that where personation is carried out, the party ought to be punished; but unfortunately, it seldom ever results in punishment. A man is brought before the magistrates, and perhaps he is remanded for a few days, and the excitement of the election having passed over there is no earnestness in his prosecution; the absence of a public prosecutor perhaps may account for that; then the magistrates who sit are generally some on each side, and they are not anxious to convict.

2837. What kind of man do you think a public prosecutor should be?—I think, if we had a stipendiary magistrate, there would then be some chance, if a man was brought up for personation, that he would be convicted and punished. Then, in the absence of a stipendiary magistrate, perhaps a judge of the county court would do; but I have no faith whatever in any man being brought up for any political offence before the present class of magistrates that we have in our boroughs.

2838. They have strong political feelings themselves of course?—Yes; they do not like to convict a man.

2839. Sir *George Grey.*] I understood you to say just now, that, in two cases of personation, the people were brought before the magistrates at the last election, and were convicted; but that the matter went off upon a case being granted to a superior court?—The magistrates convicted, and the parties were sentenced to so many days' imprisonment; but they got a case to appeal to a higher court. However that never took place, and I believe the whole thing is just resting in the same way to day that it did at the time.

2840. Was that the fault of the magistrates, or the fault of the prosecutor?—That I cannot tell you. I have often wondered who was to blame for it; but I believe the thing is so; who is to blame I do not know.

2841. Sir *Michael Hicks Beach.*] Is there any feeling at Bradford about the advisability of doing away with Parliamentary nominations?—I think anybody who has had anything to do with nominations, particularly the nominations which we have had at Bradford, would try to rid the town of such a nuisance. I would decidedly do away with nominations. At the last nomination that we had, we had only one candidate before us. The other gentleman, who was a candidate, was not present; but even Mr. Thompson, who was present, did not speak; and the gentleman who was to speak for Mr. Miall, I think, did not speak. The fact is, a perfect riot ensued, arising from some boards which men were carrying about, telling them to hold up both hands for Miall, and hold up both hands for Thompson. A skirmish took place, and the result was a perfect state of riot and stone throwing, and we had really no show of hands. And it was agreed on both sides, that is to say, I, as chairman for Mr. Thompson, and Mr. Brown, as chairman, I think, for Mr. Miall, agreed that no show of hands should take place, but that both sides should demand a poll, and that was so. There was no show of hands at the last election, and that entirely arose from the state of disorder that the people got into.

Mr. *S. Storey.*

20 April 1869.

2842. Has that state of things often occurred at the Parliamentary nominations?—Yes; I think, if there is no riot, it is really impossible to make the people hear. Even if the people are pretty well behaved, there is a hum and a noise which really prevents any of the speeches being heard. I should, decidedly, do away with nominations; I see no good in them whatever.

2843. You would have the Parliamentary candidates nominated by papers sent in to the returning officer, would you?—I do not know how it is to be done; of course, if it is done, they would have to be nominated perhaps three or four days before the polling day.

2844. Sir *George Grey.*] I understand you to say that your remedy for corruption at municipal elections would be to make the law equally stringent with regard to the municipal as it is now with regard to the Parliamentary elections?—Decidedly so.

2845. Is it not the case, that at the Parliamentary election before the last, which was the subject of an inquiry before a Judge, treating was proved to have been carried on to an enormous extent at the Parliamentary election?—The gentleman was unseated.

2846. But did not the Judge state that he was unseated on account of the enormous expenditure that there was in drink; was not that one of the reasons?—Yes, that was one of the reasons.

2847. Was not it the fact, that there was a great extent of treating at the Parliamentary election?—I think there was a great deal of money spent before the day, that is to say, there were a number of very injudicious friends in various parts, who committed practices which were perfectly unknown either to the candidate or to his executive committee.

2848. But does the stringency of the law, or what you suppose to be the stringency of the law at the Parliamentary elections, provide an effectual check upon treating at those elections?—It did during the election that we had about a month ago, so far as the candidate with whom I was connected was concerned; I do not think there was any improper practice whatever.

2849. Was that in consequence of the exposure upon the trial of the election petition, of the extent to which treating had been carried on at the previous election?—There is no doubt that that had its influence.

2850. You have stated the remedy which you suggest with reference to the municipal, have you any remedy to suggest with reference to the Parliamentary elections?—The law is now so strict, that you have done, I think, as much as you possibly can do.

2851. Then you think that an effectual check has been placed upon the corruption at the Parliamentary elections at Bradford, by the application of the law in the trial of the election petitions two months ago?—Yes, I think you have done about as much as you can do in the matter.

2852. Mr. *Leatham.*] You are not in favour of the ballot?—No, I am not; I do not like it.

2853. Is there a very general feeling in favour of the ballot in Bradford?—I think there is.

2854. Was Mr. Ripley in favour of the ballot?—Yes, I think he was.

2855. Was Mr. Thompson in favour of the ballot?—Yes.

2856. Were Mr. Miall and Mr. Forster both in favour of the ballot?—Yes.

2857. And they represent, do they not, the general feeling of the place upon that point?—I may tell you that there is a very large Conservative feeling in favour of the ballot, but I do not like the ballot myself, because I think that a man's whole life is a lie under the ballot; because if he is asked the question, if he speaks the truth, then there is no object in the ballot, and if he does not speak the truth, then I think that is an evil so great, that the remedy is worse than the disease certainly.

2858. Mr. *Bright.*] Supposing that one of the results of the ballot was, that people did not ask those questions any more than you ask a man how he has made his will; it would be a benefit, would it not?—But men will congregate together, and will talk about subjects of that sort, and a man cannot open his mouth without indicating in some way, what his views may be upon certain matters.

2859. Upon that subject you differ, do you not, from a great many intelligent people in Bradford?—I daresay the feeling in favour of the ballot is a feeling which has grown to be a very considerable one; and, as I tell you, I know a very large number of Conservatives who are very strongly in favour of it.

Mr. Edward West, called in; and Examined.

Mr. *E. West.*

2860. *Chairman.*] You are now the Mayor of Bradford, are you not?—I am.

2861. Have you any strong opinion upon the subject of the present system of public nominations for the Parliamentary elections?—Yes, I have a very strong opinion, indeed; after the experience that I have had for the last three or four months, I think no one could be otherwise than convinced that they were complete failures. In November, at the general election, I think in front of the hustings, we had somewhere about 70,000 people; I think you gentlemen here will see that it is utterly impossible for a few gentlemen on the hustings to make 70,000 people hear, even if they were all perfectly quiet, but instead of that the two sides shouted and yelled at the speakers according to the opposite opinions which they might express, and very few, indeed, of the remarks which they made were heard at all. At the next election, when Mr. Forster came down after he had been appointed a Member of the Government, we had no opposition, but still it was almost as great a farce as the first. A considerable number of people were gathered together, and the remarks of the speakers could not be heard, except by a few close in front of the hustings; then again, after the petition, when Mr. Ripley was unseated, we had a second nomination very much like the first, and I should think about 70,000 people were again gathered together; after the proposers and seconders of the two gentlemen had spoken, and spoken amidst very great interruption, very few of their remarks being heard, except by those close in front of the hustings, a battle royal ensued between some men carrying boards; they broke the boards in pieces, and

and armed themselves with the pieces, and with sticks and stones, and other weapons that they could get hold of, and immediately commenced a riot. First one side was driven from the field and then the other, when they obtained stones, and then, as Mr. Storey has just stated, I broke up the concourse by the friends of each gentleman demanding a poll for the next day. Great fears were entertained for the peace of the town after that, and many gentlemen and others in the town were very greatly excited, and thought we were all going to be very hardly dealt with, unless an extra force was obtained; and I had to obtain a large number of police from other towns, and from the county, and from Leeds; and I also took care to have the military in readiness in case of riot the next day.

2862. What system would you propose as a substitute for open nomination?—A system very much like what we have now in the municipal nominations, a nomination by papers, only with improvements. At present there is not sufficient time allowed between the nomination and the declaration by the mayor of the polling places, and the days are too few to allow of the preparations for the election being made, for the vote being taken.

2863. Sir *George Grey.*] What would determine whether a poll should be taken or not; supposing three candidates were nominated at Bradford, would a poll necessarily take place?—A poll would necessarily take place if only two were wanted.

2864. Now, there may be three candidates nominated at the hustings, but if a poll is not demanded no poll takes place, but the two are declared elected on the spot, are they not?—That would be the case provided the mayor could declare honestly which had the show of hands, I suppose; but, as you see, in the last election no show was taken; each party demanded a poll, so that we had to go to it.

2865. I want to know whether you think, under the system of nomination which you recommend, by papers being sent into the mayor, a poll must necessarily take place where more than two candidates are nominated?—I do; I think that it must necessarily take place.

2866. Would not that put a candidate very often to needless expense, as no candidate could withdraw?—Preparation has to be made, as it is at the present time, to a very large extent. The nomination only takes place the day before the election; therefore all the preparation has to be made for the election. Even in Mr. Forster's case, when it was well known, as far as we could know anything, that no polling was to take place, the polling places had to be provided, and clerks, and deputy returning officers had to be provided, and every preparation had to be made, because some one might come upon the nomination day, and with 45 different polling places we could not possibly get ready in the few hours that were allowed.

2867. *Chairman.*] Was the riot which took place at Bradford soon over, or did it leave any bad consequences?—It was very soon over; a considerable number of people were very much hurt; pieces of iron were thrown about that were very sharp in the points, and a good many people were cut in their faces, and one man had his eye cut out; I believe that was the worst accident.

2868. Was there any rioting on the polling day?—None whatever; it was the most peaceable and well-conducted election, I think, that I ever remember.

Mr. *E. West.*

20 April 1869.

2869. Is it the feeling of the great majority of the inhabitants of Bradford, that nominations should be discontinued?—I think it is quite so; the corporation have petitioned as a body against the nominations being conducted in the future as they have been in the past, and I believe there is a general feeling in favour of doing away with them.

2870. Were the corporation unanimous?—I think they were; I do not remember a single voice against it.

2871. Sir *George Grey.*] Have those disturbances always taken place at Bradford, or has it only been recently, since party feeling has run high?—More particularly in the last year or two; in 1867 there was not any great disturbance; but still the speakers could not be heard, though it was in a much smaller area, and perhaps not more than 10,000 were present.

2872. Is it the habit of the candidates to hold mixed meetings before the election at which to address the constituency?—Yes, we have a hall which will hold 4,000 people, which hall is very much used by both parties.

2873. Meetings open to any portion of the constituency?—Yes, I think they have other smaller meetings; perhaps a dozen or 20 in each ward.

2874. Do you say that those meetings are held in the town-hall?—In the large music-hall.

2875. Suppose the nominations were to take place where those meetings are held now, would there be less disturbance?—The hall could only hold 4,000 people, and we have 21,000 and odd electors; therefore the views of the candidates would really not be heard by the constituency; I may explain that by this fact, that almost every meeting that was called by the friends of one gentleman who wished to represent Bradford in that hall, was unanimous in any proposition that they passed in his favour, and yet he lost the election.

2876. The question which I asked you just now was, whether the meetings which were addressed by the candidates previous to the election were meetings called by the candidates of their own supporters, or whether they were mixed general meetings of the constituency, at which the respective candidates appeared?—And my answer was, that those meetings in this large hall were open, and both sides could come if they chose.

2877. Mr. *Bright.*] But the different candidates did not appear at any one meeting till the nomination?—The candidates on each side did not appear, they were public meetings, but were called by one side only.

2878. Still nobody could pretend that the opinions of all the candidates were not perfectly known to all the constituency?—They were thoroughly well known to every one; we are a Radical constituency, we are not Whigs and Tories; it is merely a division among the Liberals. The Conservative element, of course, is there to aid the one side or the other, whichever they choose to support.

2879. Sir *Michael Hicks Beach.*] Has it been ever the case at Bradford that the candidate has been nominated simply for the purpose of giving him an opportunity of making a speech?—I do not remember one that I could say was so proposed. I have known those elections now for over 20 years in Bradford, and I do not remem-

Mr. *E. West.*

20 April 1869.

ber a case of that kind. There is always too much noise for anything of that sort; no man would go there to express his opinions in order that the public might know them; they are generally known before.

2880. Mr. *William Henry Smith.*] Do you admit the generous hospitality which has been spoken of so often at Bradford with regard to the municipal elections?—I am sorry to say there is a very large amount of truth in what has been said of the elections, both municipal and Parliamentary; there has always been a good deal of eating and drinking; I never was in that position myself. I had three elections as town councillor before being elected alderman, but not approving of drinking, I never paid anything for it; and I once fought an election for another gentleman, as chairman for him, and returned him considerably at the head of the poll without having spent 6*d.* in ale. Nevertheless there is a very great deal of it in the town, and always has been, at such elections; it is notorious, but there is not much money stirring in any other shape.

2881. You are aware, are you not, that there is a provision in the Act of Parliament, which can be enforced against that practice without difficulty?—I am aware of it, but I think it is almost too severe, if we may say so; it seems to go rather too far, and the consequence is, that no one likes to come forward and prosecute.

2882. In fact, public opinion will not support a man in prosecuting anybody for conduct of that description?—It will not.

2883. Mr. *Leatham.*] The last witness spoke to there being a good deal of intimidation at the Parliamentary elections, and was of opinion that it was only on one side; is that your opinion?—That is not my opinion at all; I think that there is one class that has not been particularly named, and my own opinion is, that they deserve protection as much as any, and that is, small struggling tradesmen and shopkeepers, in a large town like ours; frequently a customer might come in, and threaten to withdraw his custom unless they voted as he wished; I myself think that they have more need of protection than the lower class; our working men are very independent, and generally speaking, they are quite independent of their masters; it is only in bad times that they feel any dependence at all upon them.

2884. Mr. *James.*] Do you find many tradesmen abstain from voting altogether?—Yes, a considerable number.

2885. From the fear of losing custom?—Yes; many have spoken to me about it, and said they wished that there was some change, because they fear the oppression of their customers in that way.

Friday, 23rd April 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Bright.
Mr. Cross.
Mr. Dalglish.
Mr. Edward Egerton.
Mr. Fawcett.
Mr. Graves.
Sir George Grey.
Mr. Gathorne Hardy.
The Marquis of Hartington.
Mr. Stavcley Hill.
Mr. Howes.
Mr. Hunt.
Mr. James.
Mr. Leatham.
Mr. Locke.
The O'Conor Don.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. EDWARD WEST, called in; and further Examined.

Mr. *E. West.*
23 April 1869.

2886. *Chairman.*] IN continuation of the evidence which you gave to the Committee the other day, I understood you to say that if prompt measures had not been taken, very serious danger might have arisen at the last election at Bradford?—That was the opinion of the bench of magistrates in the town who sent their clerk to myself on the day of the election, wishing me to make the proceedings as short as possible at the declaration of the poll. I think I stated the other day that there had been a riot the day previously, and people were in great fear that disturbances would arise the next day. All passed off quietly, but in the afternoon there seemed to be a general impression that there would be another riot at the public declaration of the poll, and I fell in with the suggestions of the other magistrates who wished that those proceedings should be as short as possible. The consequence was that no speeches whatever were made; the simple numbers were given, and the meeting broke up as quickly as possible.

2887. You are of opinion, are you not, that the practice of open nomination and the declaration of the poll at such a place as Bradford is not only useless, but also dangerous?—That is quite my opinion. I think the declaration perhaps may be even the more dangerous of the two, because people have become excited by one party having lost and the other gained during the day, and they are in worse temper perhaps at the close of the day against each other than at the beginning.

2888. You stated that some system resembling that of nomination papers, which is in practice at the municipal elections, would in your opinion answer the purpose at the Parliamentary election; what modification do you think of the municipal system would be necessary?—I think that we should require to have some alteration in the present system, in order to avoid vexatious nominations as much as possible; at present at the municipal elections there is nothing whatever to prevent nominations purely to cause an expenditure of money; in fact, it has become a practice amongst some voters to nominate on purpose to have money spent; although they do not have so much spent as if there were a poll, still there often has been a considerable amount, of expense incurred in engaging public-houses and engaging messengers and cabs, and various matters of that sort, in preparation for any opposition that might turn up.

2889. By what provision would you prevent this system?—I should propose that a sum of money, or a share of some part of the expenses be provided; at the present time all candidates who are nominated for the Parliamentary election have to share in the returning officer's expenses, but there is no expense incurred by the party nominating for the municipal election; I would place both on the same footing, there should be a sum of money deposited at the time of nomination, or they should share a certain amount of the necessary expense.

2890. You would not then wish to see the expenses of the election borne by the borough instead of by the candidates?—I have no wish to see that.

2891. The nomination papers may now be received till midnight, may they not?—Yes, that is the practice.

2892. Would you impose any limitation upon that?—Yes, I think that a reasonable hour might be given, but I should say that eight or nine o'clock at night is quite late enough for any ordinary purposes; and the time also that is required by law is not sufficient between the nomination and the publishing of the polling places, in fact there is no time; the mayor at the present time has to state when the municipal elections are to take place, when the poll is to take place, and so on, and to provide all the different rooms even before he knows whether there are two gentlemen proposed either

Mr. *E. West.*

23 April 1869.

in the municipal or the Parliamentary elections, in fact, before he knows whether a poll will take place or not.

2893. What interval would you suggest should elapse between the nomination and the poll?—Three days between the nomination and the election, I think, would be quite sufficient.

2894. Both in the case of the municipal elections and the Parliamentary?—Yes; I would assimilate them as much as possible.

2895. Do not you think, that so long an interval in the case of Parliamentary elections might lead to a great deal of excitement and riot, which you wish to get rid of?—I should not think so at all

2896. Would not there be great excitement on the two or three days which intervened between the nomination and the polling?—I really do not see why there should be any more than there had been for the week previous to the nomination. There is one other little matter which perhaps I might name to the Committee; there is also connected with the municipal elections the election of auditors and assessors, that I think ought also to be assimilated as much as possible to the other elections. At present there are no nominations whatever, and people just come and vote for some one who has perhaps given them a pint of ale to come. It is a matter in which there is very little interest taken, and we get very unsuitable men as auditors sometimes in consequence.

2897. How are they elected to those offices?—The aldermen and the assessors sit at the Court House or some polling place from nine o'clock in the morning till four in the afternoon. If one hour elapses without a vote they are at liberty to go, but if not, they are kept there the whole time. The consequence is that one vote every 58 minutes keeps them sitting there the whole day, and that is often done simply to give trouble. Any voter comes and proposes whoever he likes, and votes for whom he likes, provided the person is eligible.

2898. Is there no machinery for declaring who are the candidates?—No machinery at all for declaring who are the candidates, and no nomination whatever.

2899. Sir *George Grey.*] Can they come and nominate a person at any time during the day?—Yes, any time between nine and four.

2900. *Chairman.*] Any voter may come at any hour and vote for any man?—He may; there is so little interest taken in the election of the assessors that the aldermen generally appoint the assessors for the coming year; but the auditorship is paid for, a few guineas each time, and there are individuals who have self-interest enough to feel inclined to get a nomination; and so they have a few printed papers struck off with their names put in, and that is the only nomination that there is.

2901. Is it your opinion that corrupt practices have very extensively prevailed at Bradford, either in the municipal or the Parliamentary elections?—Only as far as eating and drinking are concerned; I believe that until the late general election there had been exceedingly little actual money stirring; in fact, I have no proof that even in the last general election there was much money paid into the hand. I see by the return of expenses made to myself that a large number of men were engaged as messengers or doorkeepers at 10 *s.* a day in the Parliamentary election.

2902. Are you speaking of the last election?—The election in last November when Mr. Ripley was elected; I think the last election of all was as pure an election as could possibly be; there were very few public-houses indeed engaged, whereas at the one in November there were upwards of 300 engaged by the two parties.

2903. Do you think that either in the Parliamentary or the municipal elections the voters are subject to any undue influence of any character?—Yes; I believe that has been so to a very great extent: I believe that there is more pressure put on the small tradesmen than upon the working men themselves; and I should not always except working men putting pressure upon the tradesmen; I think that even that is done to some extent.

2904. I believe the other day you stated, that although you did not think corrupt practices prevailed in the borough, you are an advocate for the ballot?—Most decidedly.

2905. Will you state on what grounds?—Because I think that then every man would vote according to his own conscience, or according to his own liking, and I think that that is the proper thing to do; there could be no pressure brought to bear upon either working men or tradesmen, to any great extent.

2906. As far as your own experience you think that the ballot is not necessary in Bradford?—I do not think that it has been necessary to any great extent with regard to the working men, but I do think that with regard to the tradesmen that it has been necessary; I am speaking more particularly of shopkeepers and retail tradespeople.

2907. Mr. *Villiers.*] There was an inquiry, was there not, by one of the judges at Bradford?—Yes, by Baron Martin.

2908. Was not one Member unseated?—Yes, Mr. Ripley was unseated.

2909. Upon what grounds was he unseated?—Upon the ground of corruption, and mainly, I believe, from excessive expenditure in public-houses in drinking.

2910. But there was money spent, was there not?—There was a large amount of money spent altogether; the Member's return was 7,000 *l.* odd; and it was generally understood and stated that there was a very large number of accounts from public-houses which were not returned in that 7,000 *l.* odd.

2911. Have they been paid since, do you know?—I have no means of knowing.

2912. When you said that there was so little money spent, you did not mean that to apply to that election?—I think I did not remark that there was little money spent, but that I had not known many instances of money actually passing in the shape of money from the Committee, or the Member, or his agent to the voters; but a great deal of money has been spent in eating and drinking.

2913. But is not that received as corruption at Bradford?—I do not think that that has been viewed as corruption in days gone by.

2914. It has been the usual practice, has it?—It has been the usual practice in all elections.

2915. Has it been the practice to open public-houses?—To have committee-rooms at public-houses where there was a large amount of drinking, I believe, carried on without being paid for by the voters.

2916. Do the voters go to those public-houses before

before voting?—They do; for two or three weeks previous to the election they have committee-meetings, which the voters attend, and they are able to get a few glasses of ale and something to eat without paying for it.

2917. And that goes on, does it, until the day of the election?—Yes; that goes on till the day of the election, and on the day of the election also.

2918. Is it the same at the municipal election?—It is, to some extent, and sometimes to a large extent.

2919. Is that thought objectionable at Bradford by any class of persons?—It is thought very objectionable by some classes, but I believe it is not thought so by those who are willing to take food and drink; that is to say, by a certain proportion of the working class.

2920. The inhabitants of Bradford have never moved in any way to put a stop to it?—They have not, so far as I am aware.

2921. Do you know why they have not?—I cannot give the reason.

2922. Is it with a view to avoid provoking ill-will after the election is over?—If you refer to prosecutions afterwards, that would be the case, because public opinion will not support a prosecution in such a case.

2923. Is it with a view to prevent that system of treating that you recommend the ballot?—It is to prevent everything of that kind.

2924. Do you think that the ballot would do that?—I think it would; I cannot imagine that anyone who was inclined to bribe, whether in giving money or anything else, would feel confident that he would get back what he was paying for if we had the ballot, and I think that the parties who would accept bribes would not be very likely to carry out their agreement, if they had made any, with those who bribed them.

2925. And they would not be very scrupulous in giving evidence against the briber?—Not at all; there would be a certain class that would give evidence if they were paid for it even against those who bribed them.

2926. Supposing there was the ballot, what would be the fate of the candidate who would not open the public-houses while another candidate did so?—That would depend upon a man's character very much; that has been tried before now at the municipal elections, and the gentlemen who have forbidden or opposed the opening of public-houses have been carried at the head of the poll.

2927. But it is not a necessary condition on the part of every candidate?—No, not on the part of every candidate, but on the part of a few; it depends so much upon the character of the man.

2928. Are people more struck with the impropriety of the system of treating now than they have ever been before among those classes that do object to it?—I think with some little exception amongst the very low, illiterate and uneducated class they are; they are beginning to see that it ought not to be, but there is still a very low class of voters who are prepared to take anything that they can get, and will be until there is more general education amongst the people.

2929. Mr. *Gathorne Hardy.*] You spoke of intimidation by the working man; is that practised by the mill hands upon the small tradesmen in the neighbourhood of the mills?—By some of the working class; but what you would understand as mill hands are comparatively few, as our mill hands are generally women, and the men are over-lookers, mechanics, and so on.

2930. Is it not the case that not only the workers who are voters themselves, but the families of those workers, take some part in that intimidation?—I have no doubt they do.

2931. Have you ever known any instance of regular papers being circulated, signed by mill hands, threatening exclusive dealing upon small tradesmen?—I have never seen anything of that sort either from working men or anyone else.

2932. I think you stated that you would not like the expenses of an election to be thrown upon the borough and taken off the candidates?—No; I do not see any reason for the change; it seems to me that the present system has worked very well so far in that respect.

2933. Are you speaking now of the Parliamentary elections?—Yes.

2934. Would you extend that, in fact, to the municipal elections?—I do not object to it at the municipal elections, so far as the necessary expenses are concerned; that is to say, the returning officer's expenses.

2935. Is it not a fact, that those who are candidates at the municipal elections, who really wish to come into the council, are ready to pay what you may call those illegal expenses, and might they not just as well pay the legal ones?—It is so, no doubt; they pay very largely, sometimes; I think that no man, if he has a contest, can get in even with ordinary expenses, which, perhaps, may not be called illegal under 40 *l.*, but it will extend up to 600 *l.*, if the practices are carried out which very often are.

2936. What would be the really legal expenses of a candidate at such an election?—I think that the entire expenses, that is to say, the returning officer's expenses, at the last election in November for municipal matters were only about 60 *l.* or 70 *l.* for the whole borough.

2937. How many wards are there in Bradford?—Eight wards.

2938 Mr. *Hunt.*] Do I understand you to say that the opening of public-houses at the elections is very popular amongst the lower class of voters in Bradford?—Yes; as committee-rooms, and so on, previous to the election, and at the election it has been so.

2939. Were those public-houses really used as committee-rooms, or as a mere pretext for having a place for giving voters food and drink?—For both. There is no doubt that some of them are committee-rooms and are used as committee-rooms, but others are taken merely as a pretext.

2940. In those places where they are really used for the business of the committee is drink given away as well as at the other places?—Yes, that has generally been adopted, but not to the same extent. Of course there would not be much business done if there was much drinking.

2941. Would not they feel that it was a much more important matter if it took place where they met as a committee, and that they would be implicated in the treating, if it was going on?—That never seems to have made much impression at the municipal elections; but at the Parliamentary elections it would not be done to any great extent.

2942. Is it not the case that at the inns where the chief business of the committee is performed very little drink is given away?—I should think

Mr. *E. West.*

23 April 1869.

that there is not much drink given away there; at any rate, not in the rooms where the committee sit.

2943. But are there not a lot of lower class public-houses, nominally used as committee-rooms, where drink is given away to a great extent?—Yes, beer-houses, in fact.

2944. And where really no committee business is conducted?—Next to none.

2945. And where there would be none done at all except it was done to give a colour to the hiring of the rooms?—That is very true; it is merely an inducement for voting.

2946. This treating you say is acceptable to the lower class of voters?—To a portion of them.

2947. Supposing that the ballot were established, do you think that the candidate might not ingratiate himself with that class of voters by giving drink all the same?—He might to some extent, but I do not think that he would be secure of his voters.

2948. But he would be secure of this, would he not, that if the voting were kept secret, it could not be proved that the man who had the drink voted for the man who gave it?—It could not be proved how he had voted.

2949. Therefore so far he would be able to treat with impunity?—Yes.

2950. Do you not think that you might have an immense deal of corruption in consequence of that impunity?—No; I do not think we should have more than we have now, certainly. I cannot see that we could have.

2951. Do you think that you would have less as regards treating?—I think we should.

2952. Do you think that if we had the ballot the voters would keep secret how they voted?—I think they would, to a large extent. Many men, of course, do not care much about the ballot, and they would tell anyone how they voted if they were asked, whereas others would not do anything of the kind, and they would be very glad of the shield.

2953. Most voters take a pride in their politics, and avow them openly to their friends and neighbours, do they not?—There is a large number of voters that do, no doubt.

2954. And those who do not are, for the most part, persons who are open to influences?—Yes, I should say so.

2955. Do you think that it would not be possible for there to be any direct money payments if we had the ballot?—I think it is scarcely likely that there would be. Judging from what I see of human nature, I think that a man would like to see something for his money, and he could not tell whether he had got it or not if we had the ballot.

2956. Supposing there was an understanding that he should only pay the money if he were returned, and nothing if he were not, might not he then be willing to pay the money for the seat gained?—I think myself it would be a dangerous game.

2957. But is there not a danger now that the man pays his money and does not know whether he will get his seat?—To some extent, but he would not, under the ballot, know what parties voted for him; and, even if he got the seat, he might pay those who did not vote for him.

2958. Candidates or their agents very often spend a large sum of money in bribery, not knowing whether the seat may be gained?—Yes.

2959. And where they have spent a larger sum of money, and do not get the seat, they are naturally annoyed?—Yes; if I was a candidate I should not be inclined to pay much, simply because the man might take it and might not vote for me afterwards.

2960. But supposing there was an understanding between the candidate and a class of voters that he would pay a certain sum of money if he were returned, and that he would pay no money except he got the seat, might not that very well happen?—That might be done, certainly. I think it scarcely would be done to any extent.

2961. The bargain now is with the individual voters for his vote?—Yes.

2962. And the bargain then might be with a class of voters to be paid in case he gained the seat?—He would have to pay a very extraordinary amount to make that a certain bargain, as it seems to me.

2963. But still that might be done?—Yes; it might be done, no doubt.

2964. Do you think there is a better public opinion growing up against undue influences of every kind?—I think there is; I quite hope that there is in our town.

2965. Both as against the influence which is used by customers on shopkeepers, by masters on workmen, and landlords on tenants, as well as against other corruption?—People really go to such an extent in their view of what they think is right about influence, that I do not know about that part of it; I have an impression that people think they have a right to a very large extent to influence those who are connected with them, in the shape of tradesmen or anybody of that kind, but with regard to public-house treating and money payment I think there is a better opinion growing up.

2966. You remember, I presume, the elections for a great many years?—Yes; I do.

2967. Was not it the case many years ago that the landlords used their influence with their tenants without any remark whatever?—Not to any very great extent, I should think, between landlords and tenants; I should not expect that it was so.

2968. As regards customers is not that the case?—I should think that that has been so for a long time.

2969. But it used not to excite the remark that it does now, did it?—No, because the number of voters are so much increased; the thing has grown very much; the franchise was formerly restricted to a comparatively small number of persons.

2970. Is it not the case that where customers endeavour to exercise that class of influence remonstrances are made and notice is taken of it in the public press?—Not to any great extent, because that might cause as much harm as even withdrawing the custom.

2971. But is it not the case that there is disapprobation expressed amongst the more intelligent people against such practices?—When they know of them there certainly is.

2972. And more so than there used to be?—More so than there used to be, no doubt.

2973. So that there is gradually growing up a better state of public opinion upon the subject?—I quite hope so.

2974. Do not you think that as education spreads, and these matters are more discussed than they have been, public opinion will advance still

still more in that direction?—I quite hope it will; but the feeling that I spoke of, as being the one that has done most mischief, is not amongst the uneducated people, except just the work-people.

2975. The adoption of the ballot is an attempt, not to get rid of the thing by improving the state of public opinion, but simply by machinery, is it not?—I hope that public opinion may be improved as a whole by education, and the ballot will screen people from any sort of pressure from without; that is my opinion.

2976. Do not you think that it would be a better course to endeavour to get rid of those practices, by improving the state of public opinion, rather than by adopting machinery?—I should like to try both; I think that care would have to be taken in the giving of the vote by those people who are uneducated and cannot either read or write; some machinery would have to be adopted by having a person who was sworn to secrecy, who could do some part of the work for them in case anything like the Australian method were adopted.

2977. That is to say, in the present state of education and intelligence, the ballot would not be practicable with a certain class of voters?—It would if there was some one who could do a certain portion of the work for them, some one individual sworn to secrecy. I believe that that is the way it is done in Australia, but that would have to be adopted with great care here.

2978. If you had an individual sworn to secrecy, he would be able to exercise some influence, would he not?—No, I think not.

2979. Supposing he were sworn to secrecy, you could not know what he said to the voter when giving him instructions?—What I mean would be this: By the present method of voting by ballot in Australia, I understand that a card is given to the person who comes up to the table, and on that card there may be four names, of which two are only wanted, and he is required to cross out those he does not vote for, and then place the card in the urn, or whatever it may be, and not being able to read or write, he does not know which to cross out, although he knows which to vote for.

2980. But you would have a sworn officer, who should point out to him which are the names?—Yes; who should cross out those for whom he does not vote.

2981. If he could not read that officer might cross out the names which the voter did not wish, might he not?—He might, but it would require such officer to be a highly respectable man, and we have such in every town.

2982. But the matter being secret as between the voter and the officer, suppose the officer were to exercise his office improperly, there would be no means of detecting it?—There would not.

2983. But that only refers to that particular mode of voting; you might have other modes, might you not?—Yes, you might have other modes; I have not considered the question fully.

2984. Might there not be the method of voting by different coloured balls, which would make it intelligible to this lowest class?—Yes.

2985. And anyone who was not colour-blind might avail himself of that?—He could be told then who the colours were for, and some one might put the colour that he wished to vote for into his hand.

2986. Mr. *Cross.*] With regard to fictitious or vexatious nominations, under the last Municipal Election Act, is that a common practice in your town?—At the municipal elections it is a very common practice.

2987. Do you mean that the number of persons who are nominated for each office is much greater now than it used to be?—No, those vexatious nominations have been practised for many years.

2988. Do you mean that the Act of Parliament, the 22nd Victoria, has increased the number of fictitious or vexatious nominations?—I should hardly say so; the Act has been in force ever since I have had anything to do with the municipal elections, and I do not remember the elections under the old Act.

2989. Probably you are aware that before that Act passed, the councillors were all elected in the same way as the assessors are now?—I think that the present mode of nomination must be a great improvement upon the old one, but I was not aware of that fact.

2990. You say, do you not, that there is no time between the nomination and the polling for the municipal elections?—For the Parliamentary elections it is so; if there are a number of gentlemen nominated, the mayor has no time to judge whether there is likely to be a contest or not, but he must choose all the polling places and have papers printed, giving notice of those polling places, and so incur a great amount of expense the very day those nominations are made, because there is not sufficient time between the nomination and the polling day.

2991. The nominations must be two whole days, must they not, before the day of the election?—Yes; that is the case as to municipal elections.

2992. Do not you think that two whole days are sufficient?—I do not think they are under the present circumstances.

2993. Do not you think that if there was a longer time there would be very likely greater excitement and disturbance in the town?—No, I do not think so. It would not be so with us.

2994. With regard to the elections, either municipal or Parliamentary, how many wards is your town divided into?—Eight.

2995. Are some of those wards Conservative and some Liberal, as a rule?—No, our town is mainly Liberal; we have the Conservative element, which, by adding their weight to any one party, of course can increase the strength of it; but, generally speaking, they are mixed in politics. The Conservative element is not strong.

2996. Do you think that in some of the wards there is much more bribery, treating, and intimidation than there is in others?—There is no doubt, that is so where a large number of uneducated voters reside. I might say that we have 21,000 voters for both the municipal and the borough elections, and I think there is only a difference of 300; we have upwards of 3,000 Irish voters, and a large number of those are labouring men, earning under 1 *l.* a week, and some of them, of course, very little

2997. And in whatever form that element appears, there appear bribery, treating, and corruption?—There has been more eating and drinking at public-houses in those wards, but I do not think, even in their case, they have had actual money put into their hands to any great extent.

2998. I presume those men would hardly be induced to vote at all at present, unless they were

Mr. *E. West.*
23 April 1869.

were treated and got what they wanted?—Yes, I believe they would; I think we had proof of that at the last election, at which they almost all voted, and that was as pure an election as could possibly take place. Scarcely a public-house was opened; it was as pure as you could ever expect to have either in our town or any other.

2999. Does not that show that if those people had a better education there would probably be less bribery, intimidation, and corruption in the town?—Most decidedly.

3000. And that so long as there are a class of men wanting education, so long will there be a temptation to treat?—Yes.

3001. How would the ballot prevent that?—It would prevent it simply because the candidates would not know that they got a *quid pro quo.*

3002. But in point of fact there being this state of mind existing, there are people who will be bribed if it is possible for them to get a bribe?—Then it falls back upon whether there is a gentleman who would be found to bribe: as long as gentlemen are found to bribe, and the people are uneducated and ignorant, the probability is that they will take a bribe in one shape or another; but I think gentlemen would become scarce who would be inclined to pay the money for the votes.

3003. Then is there a growing opinion against bribery and corruption in your town?—Yes; I think that the last election has to some extent proved that.

3004. How do you reconcile that with what you said just now, that public opinion in your town would not support prosecutions for bribery or corruption?—No one likes to be a party to prosecute on any political grounds; persons would not like to take it up as it would be considered like personal prosecution.

3005. Have there been any prosecutions in your town under the 22nd of Vict., the Municipal Act?—Yes, before the magistrates; I think last November twelve months, we had two persons brought up before the magistrates, and prosecuted and sentenced to two months' imprisonment or something of that kind, that was for personation.

3006. But not for bribery?—No; we have never had any cases of prosecution for bribery.

3007. You have had no actions in the county court for bribery?—Not one; I think they have at Leeds, but only to a small extent.

3008. Do not you think that the appointment of a public prosecutor would put an end to bribery?—Yes, if such people could get witnesses to come forward, but there is always a feeling against that, people do not like even to be witnesses; that would be the great difficulty, I have no doubt, if it could be simplified in any way so that there should be something approaching what we have now in the case of Parliamentary elections, with a judge and so on, that might afford a remedy, but that would be too cumbersome and costly for municipal matters.

3009. *Chairman.*] Have you any other suggestion which you wish to make to the Committee?—There is just one point which I should like to mention. At the present time we have too many voters at one polling place; there seems to be a dispute between legal gentlemen whether we have a right to have more than one polling place for a ward, and in Bradford it has always been considered that it was dangerous to go upon the practice of having more than one at the municipal election, and the consequence is that we have to take the votes of the whole ward in one room, for perhaps 3,000 or 3,500 voters, whereas in the Parliamentary elections we only have 500, and we find that quite sufficient for them to be thoroughly well taken.

3010. Does the want of a greater number of polling places lead to much practical inconvenience?—A great deal; we have great crushing and crowding, and sometimes people cannot vote at all, and they go away disgusted; if that could be remedied it would be a great improvement.

3011. Mr. *Whitbread.*] You have been returning officer at a Parliamentary election, have you not?—Yes, at three.

3012. Then you are conversant with the regulation which requires a candidate to appoint an agent for election expenses?—Yes.

3013. Do you believe that the expense returned by the election agents have comprised the whole of the costs which the candidate has been put to for his election, or do you think that he has paid other amounts?—I have every reason to suppose that they have not shown the whole; and my reason for saying so is, that it came out in the late trial that such was the case; that there were bills for public-houses amounting to 1,200 *l.* which were not shown in the returns made to the mayor, and in fact, the returns were not made properly either; they were left until the trial; in fact, they were only produced on the trial.

3014. Is there any punishment following upon an agent for election expenses who does not return either a correct account, or an account within a given time specified by the Act?—As far as I understand the law, there is a fine of 5 *l.* per day, and I believe that is the only punishment, unless a prosecution ensues upon the recommendation of the judge who has tried the case; I am not aware of any other penalty.

3015. What is the consequence to a candidate supposing he does not return a correct and full statement of his election expenses?—For not returning at all there is a fine of 5 *l.* a day upon him, but a 5 *l.* penalty is not worth speaking of when a gentleman wishes to keep back large amounts.

3016. Do you think it would be possible to check that system of making fraudulent returns, for instance by appointing a taxing officer for those Parliamentary expenses, or by voiding the seat in case it were proved that a candidate had paid money for or on account of the election which he had not included in his return?—I think the latter might be very useful as a check. I do not myself see how a taxing master would arrive at accounts which were not sent in except he sat as a judge taking evidence in the town from those who chose to come forward and say that they had given in accounts which were not returned.

3017. I gathered from an answer of yours before that, in your opinion, which is very commonly shared, the reason why the present law is so inoperative is that people are not found willing to put it in motion?—That is so as far as the municipal elections go.

3018. Perhaps if we had some officer who should review all the election expenses, we might get nearer to a public prosecution?—I think probably we should, if he could be made into a public prosecutor, or something of that kind.

3019. Do you see any injustice in voiding the seat

seat of a candidate who has not made a full disclosure of his Parliamentary expenses?—I do not; I think we shall have to look to the gentlemen who are candidates at elections stopping bribery and corruption amongst the uneducated working classes.

3020. It would not be a very difficult matter probably, from your own experience, to show that candidates have, upon more than one occasion, spent largely beyond what they have returned?—That would be my impression; I have seen accounts published in the newspapers when the mayor has published them, but I have often thought that there must have been a good deal kept back, but of course it was only a surmise.

3021. *The O'Conor Don.*] Do you think that in every case it would be in the power of a candidate or his agent to send in those accounts within a given time?—Yes, I think so; I think they must know where the accounts are, and they have only to request people to send in their accounts, and inform them that, failing to do so within a month, they would not be paid, and the accounts would come in.

3022. Are there not very many legitimate bills that are not sent in until after the given time?—I should have thought that that would not be so unless they had a limit to that effect.

3023. I am not speaking now of illegitimate expense, but of perfectly legitimate expense; do you know that some bills never are sent in till after the given time?—I cannot see any reason why they should not be sent in within the prescribed time.

3024. Mr. *Leatham.*] You were asked whether it would not be impossible for a man who cannot read, to vote by a ticket ballot?—I think he would require to have some one to help him in case there were more than the required number of names on the ticket.

3025. You are aware, probably, that this difficulty has been overcome by printing the names of the candidates in different colours?—I was not aware of that.

3026. You were asked whether it would not be very difficult to detect how a man had voted after the ballot if he had been bribed; you probably are not aware that there is a form of ballot under which a subsequent scrutiny is possible, without revealing the way in which a man has voted to more than the persons sworn to secrecy?—That is the Australian system. I thought that there was one person sworn to secrecy merely for those who could not read or write. I did not know that it extended further than that.

3027. Are you not aware that the tickets are numbered?—No, I was not aware of that. I thought that anything in the way of numbering might perhaps lead to finding out who the voter was.

3028. That is the object of numbering them, but the persons who examine the tickets after the ballot are sworn to secrecy; would you approve of that plan?—I should rather object to that.

3029. Mr. *Brand.*] Do you think that it would be desirable to close the public-houses and beershops on the day of the election?—Most decidedly the whole day, except for those who could prove themselves *bonâ fide* travellers. There must be some little exception for such cases, but it would be a great benefit if they could be closed entirely upon that day.

3030. And also on the day of the declaration of the poll?—Yes, if we are to have a public declaration.

3031. Would you leave the matter to the decision of the local authorities whether they should be closed or not?—As far as my own feelings go I would rather that there was a Statute to that effect; that Parliament should say that they should be closed on that day.

3032. Sir *George Grey.*] You spoke just now of the penalties imposed by the law upon a candidate or agent who does not make a true return of his expenses within the meaning of the Act; are you aware that the penalty of 5 *l.* a day attaches only in a case in which there is an absolute default in making the return; but if he makes a false return, he then is liable to the penalties for a misdemeanour, namely, fine and imprisonment?—As far as I know the law, it is confined to those who do not make a return at all.

3033. Does not section 4 of the 26 & 27 Vict. c. 29, provide that, "Any agent or candidate who makes default in delivering to the returning officer the statement required by this section shall incur a penalty not exceeding 5 *l.* for every day during which he so makes default; and any agent or candidate who wilfully furnishes to the said returning officer an untrue statement shall be guilty of misdemeanour, or in Scotland of an offence punishable by fine and imprisonment"?—Yes, I believe that is so.

3034. Is not the period allowed for making that return two months?—Yes, two months.

3035. You think that quite long enough?—Yes, I think it quite sufficient.

3036. When you speak of nominations, have you had experience of nominations for counties?—We had a nomination at Bradford for the county; Lord Frederick Cavendish and Sir Francis Crossley were the members.

3037. Is it your recommendation that open nominations should be abolished in county as well as borough elections?—Yes, it is.

3038. Would you apply the same rule absolutely to county elections as to borough, namely, that the name should be sent in to the sheriff or the returning officer the day before the day fixed for the election?—More than a day before; in sufficient time to allow arrangements to be made; that would be my suggestion.

3039. Would you extend the period now between the issue of the writ and the day of the election, or do you think that that is long enough?—I do not think there is much to complain of in that, but it is between the nomination and the election that the time is short.

3040. Are you aware that by the Reform Act discretion was left with the returning officer, and that in boroughs the election need not take place until three days after the nomination, but that after two or three years' experience of the results of that practice, the law was altered, and it was required that the polling should take place the day after the nomination?—I was not aware of that, but I think that if nominations were made by papers, a large amount of the present excitement would not exist; the excitement is caused by getting so large a number of people together.

3041. If there was an interval of three days, which you recommend, between the day fixed for the election and the polling day, would not that add very much to the expense which candidates would have to pay for agents for those three days and

Mr. *E. West.*
23 April 1869.

and in keeping up all those expenses incidental to a contested election?—No, I think not; I think that probably the expense might be lessened in some respects, because the mayor must go to a considerable expense in providing booths and clerks and every appurtenance, whether there is a poll or not, at the present time, and that would be saved.

3042. Instead of having the polling day the next following the nomination, which is now prescribed by law, if three days were required to intervene between the day fixed for the nomination and the polling, would not that subject candidates to a great increase of expense?—I do not see that it would to any very large extent.

3043. Do not they pay their agents by the day?—I cannot say how they pay their agents; I only know that some agents do not seem to get paid at all; they give their time voluntarily, and that was the case in Bradford at the last November election.

3044. You were not aware of alteration in the law or consequently of the reasons which led to that alteration?—I was not aware of that.

3045. Do you think that the increase which has taken place in the constituency by the last Reform Act has increased or diminished the necessity for the ballot?—I think it has increased it very much, because of a much larger number of people who may be influenced having become voters.

3046. I understood you to say that the class of voters in Bradford who are subject to influence are small tradesmen and not the working people; were not those small tradesmen on the register before?—Yes, they were to a large extent; when I said in my answer that it had increased the number of people who may be influenced, I did not mean that our working people had been influenced up to this time to a very large extent by their employers; in fact I should think to a very small extent.

3047. When you speak of the 3,000 Irish voters, are they day labourers chiefly?—Yes, to a large extent.

3048. What wages do they get?—I should think many of them earn 18 *s.* a week, and not many of them more than 1 *l.*

3049. Are there the same number of Irish voters upon the municipal register as upon the Parliamentary, or does the change of residence amongst the lowest class of voters prevent that?—I believe there is not a great deal of difference in the number of Irish voters on the one or the other.

3050. Is there not much change of residence amongst that class of voters at Bradford?—No, not a great change.

3051. Mr. *Hunt.*] Have you considered at all the question of having no nomination with regard to county elections?—I think the same objection applies to counties, as far as I have seen, as to boroughs, though not quite to the same extent.

3052. Did I rightly understand from evidence which you gave on the last occasion, that you thought there must be a poll under all circumstances if there was no nomination and show of hands?—No, only in case where there were more nominated than required; then there must be a poll, if there are any more nominated.

3053. If the nomination included more candidates than seats to be filled up, there must be a poll, must there not?—Yes.

3054. Have you considered the effect of that upon the county elections?—Not particularly upon counties; I do not myself see why it should make much difference.

3055. You have not considered the effect of the inconvenience to persons coming great distances to vote, whereas if the election took place under the present conditions they might not have to come at all?—No; I have not considered that because I think the probability is that there would be no vexatious nomination, at least scarcely ever a vexatious nomination, provided that the party nominating had to bear a part of the necessary expenses; I think that would check it.

Mr. Frank Johnston, called in; and Examined.

Mr. *F. Johnston.*

3056. *Chairman.*] You live at Blackburn, do you not?—Yes.

3057. Will you tell the Committee what your occupation is?—I am a Cotton Manufacturer.

3058. Have you for some time taken a part in the municipal and the Parliamentary elections of that borough?—Yes; for 15 or 16 years.

3059. In what year was the borough incorporated?—In 1851.

3060. Can you tell the Committee, what is the number of wards?—There are six wards in the borough.

3061. In your opinion, what is the general character of the municipal elections?—At a contested municipal election in Blackburn, I think 90 at least out of every 100 who vote, have very substantial reason for voting.

3062. Does that apply to every ward?—Yes.

3063. Equally to every ward?—Equally to every ward.

3064. What reason have you to suppose that corruption is so universal?—I contested a ward myself, in 1861 or 1862, and the present mayor of Blackburn was my colleague in that election, and it cost us then a very considerable sum.

3065. Is the bribery done quite openly?—Quite openly; I have myself seen men paid for their votes in the booth in the presence of the presiding alderman.

3066. Is that done, according to your belief, by both parties?—By both parties.

3067. Has any attempt ever been made to contest a ward without resorting to this practice?—Yes.

3068. What has been the result?—In the ward in which I am a voter several elections have been conducted without resorting to bribery or personation, and the result has always been that those who contested an election on pure principles have failed.

3069. Has the pure system been tried in any ward besides your own?—My experience of it does not extend to any other wards than the one in which I am a voter myself.

3070. You stated, did you not, that you yourself represented a ward?—I did for three years, and then retired.

3071. And you found it necessary to resort to the same practices as your opponent?—Yes.

3072. Can you state what sum a contested municipal

municipal election costs at Blackburn?—I believe it cost us about 300*l.* between us.

3073. Does treating go on to a great extent as well as bribery?—Yes, both treating and bribery. The principal vice at the municipal elections in the earlier years of the incorporation of the borough was personation, but that has not been resorted to the same extent latterly.

3074. Have any proceedings ever been taken to stop it?—Occasionally; I think in 1860 proceedings were taken against one man for personation, and he was in prison for a month; and at the last municipal elections in November 1868, four men, I think, were imprisoned for a month also for personating.

3075. Do you think it is the fear of the law which has stopped personation, or is there any other cause?—I rather attribute it to efficient detection.

3076. Has any attempt ever been made to put a stop to bribery at Blackburn?—None.

3077. How do you account for that?—Both parties are equally to blame, and I suppose they object to commence legal proceedings the one against the other.

3078. The same provisions of the law do not apply to the punishment of personation and bribery, do they?—No.

3079. How were those men to whom you have referred, convicted of personation; before what court?—Before the magistrates.

3080. You cannot prosecute a person for bribery before the magistrates, can you?—I think not, but I am not quite sure of the law upon the subject.

3081. Do you think that the law would be put in force if it were more easy; if you could prosecute a person for either giving or receiving a bribe before the magistrates, do you think there would be any disposition in Blackburn to attempt to put the law in force?—I think it would have to be an independent prosecutor, and a prosecutor independent of either political party.

3082. You think that neither party would like to incur the odium of instituting a prosecution?—I think they would not.

3083. Has any violence ever prevailed at the municipal elections?—More or less, at a great many.

3084. Of what nature?—The assembling of men around the polling booths to obstruct hostile voters.

3085. Has that gone on to any great extent?—At several elections to a very great extent; in November last it went on very largely, indeed.

3086. Has that system of the obstruction of voters of the opposite party been regularly organised?—I fear so.

3087. Has that been managed by the leaders of the party?—I think that generally speaking the organisation proceeds from the employers of labour.

3088. Can you tell the Committee how it is done; have you seen men brought up for this purpose?—Yes; headed by their employers.

3089. Have you seen hands brought up by the employer for the purpose of obstructing persons on the opposite side from voting?—It was noticeable in 1863, at the municipal contest that was in Park Ward, in Blackburn.

3090. Is intimidation resorted to at the municipal elections also?—Very largely, indeed.

3091. Of what kind is that?—The fear of losing their situation is held out before the men.

3092. Is there any ground for those fears?—A great number have been discharged.

3093. Are you aware that men have actually been discharged from work on account of their vote?—I know that many have; the day after the municipal election, in November 1868, a very considerable number, indeed, of workmen were discharged; employment was very scarce then, and those men were relieved by a fund during their temporary cessation from labour.

3094. Were those cases in which the men were discharged from work by their employers?—Yes.

3095. Does the intimidation of workmen by each other go on also, and was not that proved at the recent inquiry?—Yes; but I think it was also proved that the workmen who did so intimidate their fellow-workmen were instigated by others, that it did not proceed from themselves.

3096. You mean that in the first instance the workmen were intimidated by their employers, and that they then afterwards intimidated their fellow-workmen?—No; some are intimidated directly by their employers; of course the workshops in Blackburn partake very largely, indeed, of politics; and the owner or master, supposing the Liberals to be in a minority at a Tory workshop, the Tory employer would have no hesitation at all in making the situations of the Liberals very uncomfortable; and it is my opinion that the employers could check that, but they do not.

3097. Do they encourage it?—I fear they do.

3098. I think you said that those practices go on to a considerable extent on both sides?—Bribery does largely prevail at the municipal elections on both sides. I do not think that intimidation has been proved at all against Liberal employers in Blackburn, although I have no doubt that the feeling which I have alluded to is so general that a man should vote pretty much as his employer votes extends also to Tory workmen who work for Liberal employers.

3099. When you say proved, do you mean that that has been legally proved against the other party?—Yes, it was on the ground of intimidation that the late Parliamentary Members for Blackburn were unseated.

3100. Was not it mainly on the ground of intimidation practised by the workmen on each other?—No; the strongest cases, the cases that I believe really unseated the Members, were cases of men who were discharged by their employers.

3101. In your opinion are those practices on the increase or on the decrease?—I do not think we have ever seen them exhibited to the same extent as in November last.

3102. Then you think they are increasing?—I think so.

3103. Is any disgrace supposed to attach in Blackburn, either to the practice of intimidation or of bribery?—I am afraid not for bribery; I think that greater disgrace is supposed to attach to men for being beaten than for bribing.

3104. It is perfectly recognised, is it, on both sides, that bribery is a necessary accompaniment of the municipal elections?—It is; intimidation there is a little feeling against, I think; a man does lose a little caste, I think, who is known and pretty clearly proved to have resorted to intimidation.

3105. Were there not remarkable features about

Mr. *F. Johnston.*

23 April 1869.

about the last municipal election?—There was very excessive rioting.

3106. More than usual?—Very much more.

3107. Do you attribute the unusual excitement at the last municipal election to any special causes?—Yes; there were one or two reasons for it, I think; and I think that one of the reasons was this, that it was considered by all that the municipal elections of that month would have a very important bearing upon the Parliamentary election which followed in a fortnight.

3108. Were any turned out for voting at the last municipal election?—Yes.

3109. Do you know that of your own knowledge?—Yes.

3110. Were any steps taken for their support?—Yes.

3111. Was a fund raised by the Liberal party?—£. 300 or 400 *l.* was raised, 150 *l.* of which, I believe, or a little more, was raised by the working-men themselves for the support of their fellow workmen.

3112. When you state that it was generally understood that the last municipal election would have a considerable bearing upon the Parliamentary, do you think that that is generally the case?—All the municipal elections in Blackburn are political elections, and I should say that the voters who vote for one party at the municipal election vote for the same party at the Parliamentary election.

3113. Was not there a document issued a short time before the election which goes by the name of the Screw Circular?—Yes.

3114. Have you got a copy of it?—Yes; it is in this form: "Blackburn, October 12th, 1868. Dear sir,—At a very influential meeting of the Conservative party, held at the Registration Rooms, Clayton-street, on the 8th instant, for the purpose of making arrangements for securing the return of Messrs. William Henry Hornby and Joseph Feilden as the representatives of the Parliamentary borough at the ensuing election, the gravity and importance of the crisis in our national history at which the election occurs was very prominently referred to, and it was decided that all millowners and their managers and overlookers, and all master tradesmen and others possessing influence, should be strongly urged to exert that influence so as to secure, in the municipal elections as well as in the Parliamentary, the success of the candidates who adhere to the constitution in Church and State, the constitution under which the people of this country enjoy freedom and security to a greater extent than is enjoyed by any other nation under the sun, and who are opposed to the levelling principles, demoralising in tendency, which would make Christian England a godless nation, undermine the stability of the Throne and the security of property, and hasten on an era of anarchy and misrule. Believing that you know and appreciate the blessings, temporal and religious, secured to this country by the constitution, which is at the present time so violently threatened by unscrupulous politicians, we venture to urge upon you most strongly the necessity of vigorous personal effort, to secure the return as town councillors of gentlemen who hold, with respect to national politics, constitutional principles, and the return to Parliament of our two known and tried representatives, Messrs. W. H. Hornby and Joseph Feilden, signed on behalf of the meeting, William Harrison (chairman), James Thompson, William Henry Hornby, junior, R. H. Hutchinson, William Coddington."

3115. By what body was that issued?—By the Registration Association of the Conservative party.

3116. To whom was it addressed?—It was issued to the parties who are referred to here; to millowners, managers of mills, overlookers at mills, and tradesmen in the town.

3117. Were a large number of those circulars distributed?—The Conservative party admitted before the judge who tried the election petition in Blackburn, that a very large number were circulated.

3118. Did the issue of those circulars produce a great effect in Blackburn?—Very great effect, indeed.

3119. Did it cause considerable excitement?—Yes, there was a public meeting held of workmen immediately after the issue of that circular, and it was then that the nucleus of the fund to which I have alluded was formed.

3120. Was it generally understood that the influence which the millowners and their manager were urged to exercise was undue influence of the kind which you have described?—Undue influence was very largely used, and no proof was given before the judge that anyone was punished for using it.

3121. But might not this influence which the millowners and their managers were urged to exert have been intended to mean moral influence?—It might so mean.

3122. But it was not generally understood to mean that?—Certainly not.

3123. In your opinion that circular proves at least, does it not, that there was a very intimate connection between the last municipal election and the Parliamentary election?—Yes, certainly; and two of those gentlemen who signed this circular were candidates at the municipal election, Mr. William Henry Hornby, jun., and Mr. William Coddington.

3124. To go on to the Parliamentary elections, was the last general election marked by any exceptional circumstances?—On the nomination day there was the commencement of a riot, but the day of the voting was, I think, on the whole, pretty peaceful. At the nomination, stones were thrown, and a great many people were very seriously hurt; but when the soldiers were brought upon the ground the rioting ceased; we had soldiers in the town both the day of nomination and the day of the polling; but on the polling day the proceedings were pretty quiet and orderly.

3125. Was the Parliamentary election in November marked by any unusually corrupt practices?—I think not, with the exception of intimidation.

3126. There was a petition, was there not?—Yes.

3127. And the Members were unseated?—Yes.

3128. Do you think that those proceedings have exercised any salutary influence?—I am afraid not; I think that there was intimidation resorted to at the last election; that is to say, the election in March.

3129. Do you think that about the whole of the corruption which prevailed in Blackburn was disclosed before the judge?—I am sure not.

3130. Do you think that a worse case might have been made out than was made?—I think that

that if there had been a full and searching inquiry, certainly the borough would have been in great danger of being disfranchised.

3131. Why do you think that the whole case was not produced before the judge?—The friends and agents of the Conservative Members were not likely to produce such evidence, and the conduct of the case as against the Members was left to the counsel for the petitioners, and they, I suppose, contented themselves with unseating the Members, which was what they were retained to do.

3132. You think the petitioners only wished to establish a sufficiently strong case for unseating the sitting Members?—I think so.

3133. They did not desire to lay before the judge a full picture of the political condition of Blackburn?—I do not know that the petitioners did not desire to do so, but it was not done.

3134. Do you think that bribery prevailed at the Parliamentary election in November, or do you think that all the bribery that was necessary had been done at the municipal election?—I think most of the bribery that was necessary was done at the municipal election; still, there was some, I believe, at the Parliamentary election.

3135. Were the prices paid for votes at the municipal election, last November, higher than usual?—Yes; report fixes them as from 5 *s.* to several pounds

3136. Did anything remarkable occur at the last Parliamentary election, the one since the petition?—Nothing very noticeable, but a num- of voters who voted for the Liberal candidates at the November Parliamentary election did not vote for them at the March election in 1869, and some voted against them.

3137. Have you formed any opinion as to the reason?—I think it was the fear of losing their situations, for employment was exceeding precarious in Blackburn then, and is so still.

3138. Was not it a very unpopular proceeding on the part of the Liberals to present the petition?—It should not have been with the Liberals, and I do not think it was.

3139. You do not think that it could have been on account of any odium that was incurred by the petition that a considerable number of voters changed their politics?—We have been at the trouble of getting at the reasons of a good many, and that is not the reason that they give.

3140. Is the reason which the men give the one which you have stated?—Yes; I have the particulars of 40 or 50 cases with me.

3141. Did any voters lose their employment on account of their votes at the last election?—I think not; I have not heard of any.

3142. You think that on this occasion the threat was sufficient?—I think so.

3143. Mr. *Gathorne Hardy.*] What were the majorities at those elections?—In November the majority was about 500; 4,980 polled for Mr. Hardy, 4,887 for his colleague, 4,387 for Mr. Potter, and 4,184 for Mr. Montague Feilden. I have not the numbers for March.

3144. The majority was increased in March, was it not?—Yes, it was increased in March by several hundred votes.

3145. The municipal elections are conducted entirely upon political grounds, are they not?—Yes, entirely.

3146. And you say that, whenever there is a contest, it is not the least use standing unless you are prepared to pay?—You have not a very good chance of getting in.

3147. Mr. *Hunt.*] Did I understand you that you believe that 90 per cent. of the Parliamentary voters in Blackburn are bribable?—No; bribery on a large scale has never been resorted to at the Parliamentary elections since the franchise was lowered.

3148. I asked you whether you thought that 90 per cent. of the Parliamentary electors were bribable, and would take money for their votes if they could get it?—I believe they would, because they are the same class as vote at the municipal elections.

3149. Have you any notion how many of the voters who voted at the Parliamentary election, in November 1868, took money for their votes?—Only a very small number, I think, got the chance.

3150. But you think that those who had a chance availed themselves of the chance?—Yes; but they were very few in number; I do not think there were half-a-score altogether.

3151. At the municipal election which immediately preceded it, were any electors bought on that occasion?—Yes, I think so.

3152. On both sides?—Yes.

3153. And do you think that the bribes given at the municipal elections inured to secure those votes for the Parliamentary?—Yes.

3154. With regard to the screw circular, I suppose each party in the borough put their own interpretation upon the word influence?—Yes.

3155. There was a good deal of capital made out of it, was there not, on the Liberal side?—I do not know that very much was.

3156. Had you a great meeting about it?—There was great indignation about it.

3157. I suppose that the circular was denounced in indignant language?—Yes, certainly.

3158. Did those who were responsible for putting forth the circular deny that they intended undue influence by the expressions used in it?—I am not aware that they did.

3159. When all this indignant language was used, did not the Conservative party say that the influence that they asked the persons to use was only legitimate influence?—I am not aware, and if it was done considerable publicity could not be given to it, or I should have known it; I know that when the election petition was tried they did then say that only legitimate influence was intended.

3160. I suppose this circular rather assisted the Liberal party in their efforts at that election, did it not?—I do not know, I do not think it did.

3161. Did not the circular elicit strong public opinion against the exercise of undue influence?—Yes, but on the other hand the influences of the circular were brought to bear upon a great many Liberal electors; they felt the pressure of that circular.

3162. Was not there a strong expression of public opinion against the exercise of undue influence evoked by the circular?—Yes, there was.

3163. Mr. *Bright.*] Was that expression of opinion confined to the Liberal party, or did the Conservative party take any public means of condemning that circular?—No; the public meetings that were held, and the public indignation that was expressed, emanated from the Liberals entirely.

3164. Mr. *Edward Egerton.*] Blackburn was one of those boroughs which first got a Member

Mr. *F. Johnston.*

23 April 1869.

after the Reform Act of 1832, was it not?—Yes.

3165. And the Municipal Act followed very shortly afterwards, did it not?—That was 19 years afterwards; it was not incorporated till 1851.

3166. How were the Parliamentary elections at first conducted; were they distinguished by the same sort of feeling?—I had no experience in Parliamentary elections earlier than 1853.

3167. I think you said that you retired from the town council?—Yes.

3168. And you were only in it for three years?—Only three years.

3169. During the whole of those three years that you were a member of the town council do you ever recollect any attempt being made by the members of the town council to put a stop to what you say is the universal system in your town?—No, I do not.

3170. Do you remember the attention of the town council being called by your town clerk, or legal adviser, to the remedies that they had against that system?—I do not.

3171. You have submitted to this state of things, which you say has existed ever since you have known it, 90 out of every 100 voters being bribed, and you never took any steps to prevent it?—No public steps have been taken. This does not occur at every election, because every municipal election is not contested.

3172. What is the average number of contests?—For several years there were very few contests.

3173. Were you not aware that in every Municipal Act there are remedies given against any bribery or treating?—I believe there are.

3174. Was not that ever brought before you?—No.

3175. I take you as stating that not the slightest remonstrance was made by the inhabitants of Blackburn against this system which you come here to speak to, 90 out of every 100 being what you call tainted by bribery or treating?—None.

3176. Mr. *Cross.*] Do you find in the municipal elections that there are a great number of people nominated for each ward?—There are a few unnecessary nominations made, but in Blackburn they have usually been of such a very trivial character that they have occasioned very little trouble.

3177. You have had no fault to find with that provision of the Act of Parliament?—No.

3178. Mr. *James.*] What is the constituency of Blackburn?—There are about 9,700 Parliamentary voters.

3179. What proportion of that constituency is composed of mill operatives?—I should think about 7,000, more or less, are artisans, either workers in mills, or engaged in the iron trade or building trade.

3180. From what you personally know, and from what you learnt from the late inquiry, never mind which party, be it on both sides, do you think that there was so much intimidation used in relation to those mill operatives, that if it had not been used the election would have been the same, or may it have been different in its results?—I have every reason to believe that the election in November would have been different in its results had there been no intimidation.

3181. I believe the intimidation was proved to have been of two classes, the one by millowners and overlookers direct, and the other by the workmen who employed intimidation upon their fellow workmen?—Not so much the intimidation of workmen against workmen, I think.

3182. But were there not cases where the workmen had physically turned persons out of a mill without the knowledge of the employers, whether they approved of it afterwards or not?—That was done in almost every instance, if not in the presence of the employer in the presence of some overlooker or manager.

3183. Was not there actually physical interference with the workmen?—In some cases there was.

3184. On account of the municipal voting, and previous to the Parliamentary voting?—Yes, that was so.

3185. Mr. *Locke.*] You stated, did you not, that generally there was no bribery at the Parliamentary elections?—No, at some of the Parliamentary elections there has been considerable bribery.

3186. Previous to November last was that the case?—Yes; in 1865 there was a Parliamentary election, and it was considered that there was a very great amount of bribery at that election.

3187. They did not confine themselves then to what you call influence?—No, it was chiefly bribery then.

3188. Was there any petition at that time?—There was no petition.

3189. Do you recollect what the state of the poll was in 1865?—The constituency was very much smaller then.

3190. What number did the constituency then consist of?—I fancy about 1,800.

3191. What does it consist of now?—Nine thousand seven hundred; the last Reform Act added about 8,000 to the constituency of Blackburn.

3192. But have you got the relative poll of the candidates in 1865?—Mr. Hornby polled in that year 1,053; Mr. Joseph Fielden 938; Mr. James Pilkington 774, and Mr. Potter 577.

3193. Then the election was gained easily by the Conservative party?—Yes, it was gained easily; there was a little division in the Liberal party at that election.

3194. Has there always been bribery at the Parliamentary elections?—There was bribery at the election in 1865, and at the election in 1868 there was some.

3195. But it did not take place at the election in 1868?—Not at the Parliamentary election, but at the municipal election previously.

3196. Did that arise from the circumstance of the municipal election taking place so shortly before the Parliamentary election?—I think so.

3197. How many days intervened?—Fourteen days.

3198. Therefore the bribery was effected at the municipal election for both?—Yes.

3199. In 1865, I think you say, there was bribery likewise?—There was likewise bribery at that election; and, as an illustration of that, I may say that 26 voters who promised me, as a canvasser, to vote for Mr. Pilkington in my presence in the polling booth voted against him.

3200. That is the reason, is it, why you suppose that they were bribed?—I have other reasons also.

3201. What description of persons are the new voters

voters that the Act of 1867 has brought on to the register?—They are weavers and spinners in cotton mills chiefly.

3202. What wages do they earn?—Fifteen shillings or 16 *s.* a week.

3203. What are the highest wages that they earn in Blackburn?—I should not think that many mill hands get over 18 *s*; or from that to 1 *l.*; but I should think that the majority of them earn about 16 *s.*

3204. What class of persons in 1865 were the 10 *l.* householders?—They were chiefly foremen over those men who have since been added to the constituency, and of course there was a large number of small tradesmen that are still on the franchise; but the franchise, as a whole, was more largely in proportion composed of small tradesmen than it is now.

3205. What you call labouring men in the factories had no votes?—Not many; the foremen, managers, and overlookers had, but not many of the underworkers.

3206. Mr. *Whitbread.*] You stated that in the ward with which you are more immediately concerned, upon more than one occasion the election had been endeavoured to have been conducted upon principles of purity, and that the side which adopted that course had always lost; did that side get a considerable minority or was it well beaten?—I have not the figures so as to be able to say whether it was well beaten or not; I should think not by many, because the ward is known as a Liberal ward, so that the minority would only be small.

3207. Is the municipal register or the Parliamentary register most numerous?—The Parliamentary register; there are 2,000 more votes on the Parliamentary than on the municipal register. I think there are 7,600 on the municipal register and 9,700 on the Parliamentary register. The municipal franchise is more restricted than the Parliamentary franchise.

3208. *The O'Conor Don.*] Did I rightly understand you to say that at the last municipal election in November 90 per cent. of the electors were actually bribed, or that they were bribable?—Ninety per cent. were paid for voting.

3209. Was that payment given to them as compensation for the loss of their day's wages?—I think it was more that way than to buy the men, that is, more as compensation than to turn them from either Conservative to Liberal, or from Liberal to Conservative.

3210. Mr. *Howes.*] Was there any difficulty in inducing those men to vote at all at the last Parliamentary election?—No, there was not much.

3211. Would they have gone to the poll without this compensation for loss of time?—They did so at the Parliamentary election though it was difficult to get Liberal voters who were employed in Tory works to vote, and it was difficult, I dare say, to get Tories who were employed in Liberal works to vote; I have no doubt that that extends to both parties. I have several workmen in my own employ who are Tories; they did not vote at either of the last Parliamentary elections.

3212. Mr. *Leatham.*] Is there any change in the mode of voting which you think would check intimidation?—I am certain that the ballot would.

3213. Is there any strong feeling in Blackburn in favour of the ballot?—I think there is a feeling, both with Conservatives and Liberals, in favour of it; I do not think that it is regarded so much a party question in Blackburn as it is in some other places.

3214. Do you think that the feeling is pretty general; in fact, is there a considerable proportion of the Conservative party in Blackburn in favour of the ballot?—I feel convinced of it.

3215. Mr. *Bright.*] You have stated that the nomination was the commencement of the riots; is there a very large crowd generally at your nominations in Blackburn?—It is very large; there was an immense crowd at the nomination.

3216. Is it the fact that both parties take any means to muster as many of their adherents as possible to influence the show of hands?—All the works are stopped, and, as a rule, assemblages take place at the works of the various work people, and they go from there to the space in front of the hustings.

3217. What is your opinion with regard to the practice of nominations, seeing that the franchise is so widely extended; is it your opinion that it would be advantageous or otherwise, looking to the tranquillity of elections, to continue the practice of nominations?—I think it would be much better dispensed with.

3218. And that without regard to any party result, but merely looking to the tranquillity of the town at the time of the elections?—Yes, certainly.

3219. Has it been a matter of discussion, whether it would be desirable to put some further restriction upon public-houses at the time of election?—I think that that question has not been much discussed in Blackburn. There has not been any very great amount of treating at the Parliamentary elections in Blackburn.

3220. In your business as a cotton manufacturer, do you employ a great number of men?—About 500.

3221. Are you here as representing the Liberal Association, or in what capacity?—I am secretary of the Reform Club in Blackburn.

3222. Is it your opinion that the abolition of the nomination would be generally acceptable to both parties?—I think so; I believe that a petition has been presented from the town council of Blackburn to Parliament on the subject, praying for the abolition of the nomination.

3223. In your town council which party is predominant?—The Conservatives have a majority in the town council.

3224. If the mills stop on the nomination day, and everybody throws down his tools and comes to the hustings, is there not a loss generally both of wages to the workpeople, and, if any business be profitable, of course a loss also to the manufacturers and employers?—Yes.

3225. Is it the custom amongst the political parties to make up to the workman for his loss on that day?—No; it is occasionally done, but it is by no means general.

3226. Besides promoting the tranquillity of the borough at the time of the election, it would be a saving of a day's wages to those 7,000 working men if they were not called from their employ to attend the nomination?—It would be the saving of a day's wages to them and their families also, for their families are robbed of the day's employ as well as the voters.

3227. With regard to a question which was just asked you about the ballot and what I have asked you about the nomination, can you say (getting rid of your position as secretary of the Reform Club for the moment) that the opinion

Mr. *F. Johnston.* 23 April 1869.

in Blackburn tends strongly in the direction of making those two changes?—Certainly, for the abolition of the nomination; and I should say that the majority of the people at Blackburn would hail very gladly the adoption of the vote by ballot.

3228. Sir *George Grey.*] Are the mills stopped on the polling day as well as on the day of the nomination?—Yes.

3229. And also the day of the declaration of the poll?—Partially. At the last election in March a considerable number of places were working on the day of the election.

3230. *Chairman.*] Does not the declaration of the poll take place at Blackburn on the same day as the polling itself?—It did at the last election in March.

3231. Mr. *Bright.*] That would be the case, I presume, more in the long days than in the depth of the winter?—Yes, it was in consequence of the days having lengthened between November and March that they were enabled to declare it in March.

3232. *Chairman.*] Have you any thing further to state to the Committee?—I would wish to make one observation with regard to the rioting at the municipal elections in Blackburn. I have no doubt that a very great deal of excitement and turmoil arises from the fact that we have only one booth in a ward, and a great deal of the peace and order at the Parliamentary election arises, I have no doubt, from there being four polling places in most of the wards.

3233. How many voters have to poll at one booth at the municipal election?—One thousand six hundred.

3234. Sir *George Grey.*] And I believe there cannot by law be more than 500 at the Parliamentary election?—No, only 500. At the last municipal election it took me about three hours between getting within the barrier leading to the polling booth and tendering my vote.

3235. *Chairman.*] Have you formed any opinion with regard to the system of voting by the use of papers, as practised at the municipal election; do you think it is a good system or a bad one?—I would rather, for myself, that the vote was tendered similarly to what it is at the Parliamentary election.

3236. I understand that you would prefer a system of secret voting, or if you could not get that, do you think that the system of the municipal voting should be assimilated to the Parliamentary?—Yes, certainly. I would remark also that the petition that came from the town council of Blackburn not only prayed for the abolition of the nomination but for the assimilation of the two franchises, the municipal and the Parliamentary. I would also add that facilities should be given to the voters by altering the hours for polling in large working men's constituencies; now the polling is from eight to four, and if the works are kept working the workmen have a difficulty in getting away to vote, whereas if the voting was from 12 to 8 or 9, the workmen could go and tender their votes after working hours, and lose no time at all.

3237. Do you think that it is desirable to prolong the excitement to so late at night as eight or nine o'clock?—I think that with the booths distributed as they are at the Parliamentary elections, we should suffer no danger from excitement.

3238. Sir *George Grey.*] Not even in winter?—No, I think not.

3239. Mr. *Edward Egerton.*] There is an hour always allowed for dinner in those mills, is there not?—Yes; but sometimes the polling booths are at a considerable distance from their works; a man does not always vote in the ward in which he is employed.

3240. Mr. *Whitbread.*] Would not it answer your purpose to open the booth earlier?—They commence work at six o'clock, and you could not well open the booth before that time.

3241. Mr. *Cross.*] Would you like the number of polling places increased both in the Parliamentary and the municipal elections?—No; in the Parliamentary elections we have plenty of polling places, but in the municipal elections we are sadly short.

3242. Mr. *Locke.*] With regard to the number of the booths, you say that you have more booths at the Parliamentary elections than at the other elections; has it been the practice with you to increase the size of the booths merely, and not to have separate ones?—No; we have the booths detached from each other; not four booths under one roof, but four booths in different positions in the ward.

3243. But does not it occur that instead of placing them at a distance from one another, say, half a mile away, it is considered sufficient to erect another booth by the side of the one that they have already got?—That plan has not been adopted in Blackburn; I believe it has been in some other places.

3244. So that by adopting that course it does not afford any facilities whatever to working men to come up; it is no nearer to them?—It is no nearer to them, but their vote is tendered in much less time.

3245. Still they have as far to walk?—Yes, they have quite as far to go. One other suggestion that I would make is this; that in the event of the machinery of the ballot being adopted, it appears to me that one of the drawbacks to it is the difficulty of checking personation under that system of voting, and that in order to check it, instead of the voters voting as they do now in an alphabetical arrangement in the ward, the chances of detection would be greatly increased if they voted in districts; if a ward or town was divided into four districts, with a booth in each district, the districts being contiguous to each other, any person appointed, being a resident in the particular district, would know all who came to vote who live in the district; but as it is now, where they vote according to alphabetical arrangement, they come from all parts of the town to vote in that particular booth.

Mr. JAMES BRIGGS, called in; and Examined.

Mr. *J. Briggs.*

3246. *Chairman.*] Do you live in Blackburn also?—Yes.

3247. What is your occupation?—I am a Cotton Spinner and a Manufacturer.

3248. Are you also connected with any Liberal Association at Blackburn?—I am a member of the Reform Club.

3249. Have you heard the evidence which has just been given by Mr. Johnston?—Yes.

3250. Do you agree with his evidence, or are there

there any points in which you differ from him?—I agree with it as a whole, but I should not like to say that I would accept it *in toto*.

3251. Do you agree with him as to the facts which he has mentioned?—The facts, I think, are substantially correct.

3252. Are there any facts within your knowledge which you would desire to add to the statement which has been given by Mr. Johnston, first, with regard to municipal elections?—I can only add, that in the ward where I was at the last municipal election there was a good deal of rioting.

3253. Was that the same ward as Mr. Johnston's?—It was not the same ward; this was Trinity Ward, and the rioting in it was so bad that we had to create our schools into a sort of hospital. We had several men wounded and bleeding inside, and we had to have their wounds attended to.

3254. Did this rioting proceed from an organised system of intimidation by roughs?—It was no doubt caused by those who were engaged to prevent voters getting to the poll.

3255. In the ward with which you are connected, was bribery prevalent?—Payment for votes was prevalent. Every man, or nearly every man who voted, received money for his vote; in fact, some who presented themselves, astonished those who had to pay the money.

3256. Mr. *Bright.*] Do you mean that they were so high up in the scale?—Yes.

3257. *Chairman.*] Was it given in the shape of payment for the day's loss of time?—I fancy that the origin of it was so. But in this case, if one side was giving 2 *s.* 6 *d.*, and the other side only 2 *s.*, the people who got the 2 *s.* were immediately raised to 2 *s.* 6 *d.*, and so on up to 5 *s.*

3258. The briber actually bought the vote, in your opinion?—Yes; in many cases.

3359. It was not that each voter voted for his own side and wanted to be paid, but were there many voters who would only vote for the highest bidder?—Yes; many.

3260. With regard to the Parliamentary election in November, have you anything to add to what has been stated by Mr. Johnston?—I may say that several cases of intimidation, or fear of intimidation, came under my own knowledge.

3261. Do you think that the municipal elections in November last were worked with a reference to the Parliamentary election?—Yes, there is no doubt that they were connected.

3262. Do you think that a great deal of the intimidation and bribery that were practised in the municipal election was for the purpose of affecting the Parliamentary votes?—Yes, I believe so.

3263. Do you agree with Mr. Johnston, that a stronger case might have been brought before the judge than was actually brought?—I was not so much acquainted with the getting up of the petition as Mr. Johnston was; in fact I was away a part of the time, and I could not offer an opinion upon it.

3264. In your opinion, what impression was made by the screw circular?—In my own mind I took it, and most Liberals in Blackburn took it, that it was intended to be a sort of intimidation to the men.

3265. Do you think that that was generally understood?—Yes, and I think it was understood also by the Conservative side, by the men. I will not say that the authors of the circular intended it, but it was understood by those to whom it was issued.

3266. You think that it was understood by the Conservative workmen that the influence which the employers were urged to use was undue influence?—Yes.

3267. Did that cause any general feeling of indignation in Blackburn?—Yes; a large meeting was held soon after this circular became known, and a large amount of money was subscribed; I forget what sum.

3268. That meeting was a meeting purely of the Liberal party, was it not?—Yes, purely of the Liberal party.

3269. Do you think that that circular caused any indignation amongst the Conservative party?—No, I do not think it did.

3270. Do you think that it was only objected to by the party who expected to suffer from it?—Exactly so.

3271. Sir *Michael Hicks Beach.*] You stated that you did not agree with the whole of the evidence which had been given by Mr. Johnston; may I ask in what way you would qualify it?—A great deal of the evidence which Mr. Johnston gave was connected with a ward of which I know nothing at all.

3272. But so far as the circumstances go which have come under your own knowledge, you agree with what Mr. Johnston said?—Yes.

3273. Mr. *James.*] Do you agree with him in the proportion of persons that you think were bribable at the late municipal contest, namely, 90 per cent.?—I dare say it is not very far wrong.

3274. But in using that term bribable, do you mean that they received this day's pay, or were absolutely corrupted by money to vote for the other side?—No; I would not say that 90 per cent. were absolutely corrupt, but only that 90 per cent. received money.

3275. You use this term "bribable," in the sense of receiving head-money?—Yes, certainly.

3276. Mr. *Locke.*] What would the remaining 10 per cent. be composed of?—They would be composed perhaps of owners of mills and independent shopkeepers.

3277. Then all the shopkeepers are not independent?—No; many of them are anything but independent. They are in a worse case than the workmen. There is, I believe, more pressure put upon them than could be brought to bear upon the workmen.

3278. What sort of pressure is put upon the shopkeeper?—I have known customers go to the shopkeepers and say, that if they did not vote a certain way they would withdraw their custom; and they have done it in many cases.

3279. What class of shopkeepers would those be?—Small shopkeepers all over the town almost, who supply the working population with their goods.

3280. Then it would be the working population that would coerce them?—Yes. There are many public-houses too where the proprietors have not dared to vote according to their own wishes, for the same reason.

3281. Can you suggest any means of remedying that?—I can see no means except the adoption of the ballot, or a system of secret voting.

3282. Do you think that that would effect a remedy?—Yes, I think so.

3283. *The O'Conor Don.*] You spoke of certain

Mr. *J. Briggs.*

23 April 1869.

tain rioting existing at one of the municipal ward elections, and you stated that one of the school-rooms was turned into an hospital; were the military used at those elections to keep order?—The military were called out at the municipal election, but not in Trinity Ward.

3284. Was the riot carried on by an organised mob on both sides?—It was carried on by armed men on both sides.

3285. Armed with what?—Some were armed with sticks, and some with pieces of iron, and in various ways.

3286. Those armed men were employed on both sides, were they?—They were taking different sides.

3287. Have you any reason to believe that they were paid for what they did on that occasion?—Yes.

3288. They were hired in fact by both sides?—Yes.

3289. Were there any cases of trial for assault after this election?—There were some cases of trial, and I think that the solicitor who was engaged for the Liberal party threw up his brief in one of the cases.

3290. Were there any cases on the other side against the Liberal party for assault?—Yes, I think there were cases on both sides.

3291. And the actions were both abandoned by mutual consent?—I believe they were both abandoned, but I am not sure upon that point.

3292. The police authorities of the town, I think you say, were not sufficient to keep order?—At times like those there are many people who come into the town from the surrounding districts. We have very populous towns round about who have no elections of their own, as for instance Darwen, where there are something like 18,000 or 20,000 inhabitants; many of those people flock into the town when there is any excitement going on.

3293. Could you give the Committee any idea of the number of persons that were grievously assaulted during that election?—No, I could not; I saw 20 or 30 myself that were very badly hurt.

3294. And still the authorities did not consider the state of things sufficient to justify them in calling out the military?—No, the policemen stopped the riot in Trinity Ward.

3295. Mr. *Brain.*] Should you approve of closing the public-houses and beer-houses at the time of election?—I think it would be a very good thing indeed, if it could be managed.

3296. Do you think that it would tend to allay the popular excitement?—I have no doubt it would.

3297. And would public feeling at Blackburn be in favour of that step?—I cannot say.

3298. *Chairman.*] Is there anything else that you wish to add?—No, I think not.

Mr. Arthur Bower Forwood, called in; and Examined.

Mr. *A. B. Forwood.*

3299. Mr. *Graves.*] You are a Merchant, living in Liverpool, I think?—A merchant and shipowner in Liverpool.

3300. Are you one of four or five gentlemen who assisted the legal agent at the last Parliamentary elections for South West Lancashire and Liverpool?—Yes.

3301. In your experience in the working of the county election, did it occur to you that any improvement might be made in future with regard to the number of polling places?—I think that the polling places were much too far apart; in some cases the voters would have to proceed upwards of seven miles to the nearest polling place.

3302. Does that fact account for the large item of 2,400 *l.* in the expenses for cabs and conveyances?—Yes; I think if there were more polling places the items of conveyance expenses would not be so large. If we had not conveyances, the poorer class of voters could not ever get to the poll.

3303. Were the expenses for conveyance returned by the Conservative party more or less than those made by the other side?—The expenses were less.

3304. Have not the magistrates the power of appointing a sufficient number of polling places?—I believe they have.

3305. Why do they not do it?—I think that upon the last occasion the magistrates waited for both political parties to take steps in the matter, but no combined action was brought to bear upon the bench, and, therefore, nothing was done; I believe that was so.

3306. You think that there should be some power in the Act to enforce the appointment of a sufficient number of polling places?—I think so.

3307. You were engaged, were you not, in a similar manner with regard to the borough election in Liverpool?—Yes

3308. It was a prolonged contest, was it not?—Yes, the contest extended over a considerable time.

3309. What were the respective amounts of expenses that were returned?—The Conservative expenditure, I think, was returned at 4,240 *l.*, and I think the Liberal expenditure was about 4,700 *l.*

3310. Were those amounts more or less than on previous occasions?—They were more.

3311. Cabs were formerly allowed, were they not?—Yes, cabs were allowed on previous occasions.

3312. Do you consider that the expenditure is more likely to increase than decrease, in future?—I do not think that at a future election it will be any greater than it was in the last.

3313. What number of voters are there on the Parliamentary register in Liverpool?—There are 39,645 on the Parliamentary register, and on the municipal only 17,131.

3314. Into how many wards is Liverpool now divided?—Sixteen.

3315. And how many polling districts had you at the last Parliamentary election?—Twenty-one.

3316. Do you remember the number of polling places?—I think there were 78; 500 were polled in each booth.

3317. Do you consider that sufficient?—I think so.

3318. Do you believe that any corrupt practices prevailed at the last Parliamentary election?—I feel very confident that none prevailed at the Parliamentary election.

3319. Had you some experience of previous elections?—Some little; but not nearly so much as the last.

3320. Do

3320. Do you believe that any system could be introduced which would tend to produce a purer election than the last that we had in Liverpool?—I do not think we could have had a more fair and straightforward election.

3321. Is that opinion based upon your own observation, or have you taken any pains to ascertain the opinions of others?—I have taken considerable trouble to ascertain the opinions of the different wards or polling districts in the town by means of issuing circulars inquiring as to what took place in each ward.

3322. Will you read the headings of one of those circulars which were sent out?—I asked from each district "Did you attend to matters connected with the election sufficiently closely to be able to give a reliable opinion as to its character in the district? Had you any insight as to the expenditure incurred? Could you declare, if called upon, that on the part of the Conservatives no improper means, either by treating, bribery, or intimidation, were used to influence any vote or votes in your district? Do you think the proceedings of the Liberals in your district were free from unlawful practices? If not, please to state the reasons that lead to your opinion." It was merely a paper calling for their replies as to the manner in which the election was conducted; the replies were altogether of a satisfactory character with regard to the proceedings, both on the Conservative and on the Liberal side, and in that respect confirming my own opinion. They were addresses to the leading men of the Conservatives in each ward in the town.

3323. You did this when you understood that you were to come here as a witness, I presume?—Yes.

3324. Were any specific means taken to induce the co-operation of committees and canvassers with the central committee in preventing improper practices?—Special instructions were sent to each committee, pointing out the wish of the central committee, that the election should be conducted upon the most proper and strict principles; and on the day prior to the election all the canvassers and committees from all the different wards were called together at a public meeting, and they were addressed by some of the leading Conservatives, who impressed upon them the necessity of doing everything in a straightforward and proper manner.

3325. You have no reason to suppose that corrupt practices prevailed on either the one side or the other at the last Liverpool election?—No, I feel very confident they did not.

3326. Was any intimidation exercised by employers, do you think?—I think none.

3327. There are a very large number of the poorer classes now, are there not, upon the register?—I think we had upon the last register a larger number of the poorer classes than we should have again in consequence of a vestry contest that had occurred in the early part of the year, which turned upon a religious point, and the rates of many of the poorest of our labouring men were paid by an association.

3328. As compared with other towns which you are cognisant with, have we, generally speaking, in Liverpool a poorer class than other towns?—I should think so, because the labouring population in Liverpool are, to a great extent, only casually employed.

3329. Can you give any grounds for your belief that there was no intimidation exercised at the last election in Liverpool?—I think, by looking to the progress of the poll during the day of the election, at 12 o'clock the highest Conservative candidate stood 467 below the highest Liberal candidate; at two o'clock the position was reversed, the highest Conservative candidate being, I think, in a majority of about 650; between those two hours over 6,000 voters polled, and my impression is that if the employers of labour had wished to exercise any intimidation they knew very well the value of an early vote, and they would have sent their men up to the poll early in the morning; but, as it was, the men polled in the time that was their own, for the dinner hour varies in some trades from 12 to half-past; in some trades from 12 to 1, and in other trades from 1 to 2.

3330. As a rule, do you think that any intimidation that was attempted to be exercised upon the voters would be likely to be resisted or complied with?—I think our voters in Liverpool, even of the poorer classes, are rather of an independent tone of mind, and would rather resist any attempt at coercing their votes.

3331. Was there much drunkenness observable in the streets at the time of the election?—No; I was a good deal about the streets, especially in front of our central committee-room where we had, I think, from 30,000 to 50,000 people assembled, and I saw none there; and the police returns show that there was no increase of drunkenness at all.

3332. Are you speaking now of the declaration of the poll?—No, on the day of the polling. The police returns on the day of the polling only give 14 cases of drunkenness, as against on a similar day in other weeks, 27 one week, 19 another week, and 11 another week.

3333. Are you speaking now of cases that were brought before the bench on the morning following the poll?—Yes, on the morning succeeding the poll, for drunkenness occuring on the preceding evening.

3334. You say there was no intimidation used; was there any other kind of influence at all used on the occasion of the election?—There were a large number of voters assembled in some Roman Catholic school-rooms early in the morning, and taken to the poll; I suppose that would be a sort of pressure upon their religious conscience.

3335. Did that account at all for the large majority in the morning?—I think so, to a great extent.

3336. Can you offer any suggestion for giving greater facilities to the poorer class of voters for recording their votes at Parliamentary elections?—If it could possibly be so managed that instead of men having to leave their work to proceed to where they may live, where their qualification may be, to vote if they could vote nearer to where they work, it would be a great advantage, I think. Of course the abolition of the right to use cabs has disfranchised many men who have to proceed some miles to vote.

3337. I believe that at the present moment the largest amount of employment goes on at the north end of Liverpool?—Yes.

3338. And a very large number of the artisan class live at the south end?—A very large number live in Toxteth and places in the south.

3339. What distance would they have to come from their work to the polling places in Toxteth and Everton?—Over three miles, I should think.

3340. Are you satisfied with the present Act

Mr. A. B. Forwood.

23 April 1869.

as regards the hiring of conveyances in boroughs?—No, I think it is in a very unsatisfactory position. It appears to me that though conveyances are forbidden, still friends to the cause can hire them, and they only incur a penalty of some 40 *s.*

3341. Are you quite sure that that is the interpretation of the Act?—I have seen an opinion by Sir John Coleridge, the present Solicitor General, upon the subject, which I took an extract from in which he says, "A friend or agent hiring a cab would not of itself vitiate an election, but the person hiring would be liable to penalties. If the offer of a cab was made to a voter, on condition of his voting for a certain candidate, that would vitiate the election."

3342. Are you aware that cabs were so hired by friends of the candidates?—Yes, I believe they were.

3343. Had you conveyances at the last election?—On the Conservative side the cab owners volunteered the use of upwards of some 100 vehicles, because of some services rendered by Mr. Graves to them on the occasion of a strike.

3344. Would you desire that the Act should be made more stringent, so as to prevent entirely the use, under any circumstances, of conveyances, or would you in large towns permit the use of conveyances?—I think that I would do anything that would facilitate the poorer men being able to record their votes; I would therefore rather be inclined to allow conveyances to be used.

3345. But you would wish an alteration in the present system?—Yes; it should either be made definite, that you cannot have a cab on any consideration, or else it should be thrown open as it was before.

3346. You have taken some interest, have you not, in the municipal elections also?—Not an active part in them, but I have watched them, and am acquainted with what goes on.

3347. Have you done so sufficiently to form an opinion as to the extent to which corrupt practices have prevailed?—I think so.

3348. Do corrupt practices prevail more in the municipal than in the Parliamentary elections?—They do prevail at the municipal elections to some extent, but not at the Parliamentary.

3349. When you say to some extent, will you give the Committee an idea to what extent they do prevail?—I think we have five wards in the town which may be influenced at the municipal elections by payment of money; three represented by Liberal members in the town council, and two by Conservative members.

3350. So that it is not confined to any particular side?—No.

3351. Is this payment an absolute payment of money given as bribes, or as compensation for their day's labour, usually?—It is only to a small extent in the shape of bribes, but to a large extent in the shape of payment for the loss of a day's labour in going to vote, as I have stated before; the place of voting being so far away from the place where the man would work, he loses his day's pay; and there was an impression that it was not illegal to pay those sums, and in some parts of the town they do pay a man his day's wages.

3352. But in all the other wards of the town you think they are free from corrupt practices?—I think so.

3353. It has been stated to the Committee in evidence that drink tickets were very freely used in one ward in the town, for a week or 10 days and that drunkenness increased very much during the 10 days that the elections were going on; have you looked into that at all, and can you give any information to the Committee upon that subject?—I have the police returns for the week, which included the day of the municipal elections in 1867 and 1868, and I find in 1867, for the week, there were 170 males booked for drunkenness, of whom 11 only were booked for the day of the election, that is for drunkenness as consequent upon the day of the election; and in 1868, out of 310, there were 38 booked as belonging to the day of the election.

3354. Is that an official return?—Yes.

3355. Whom is it signed by?—By our superintendent of police.

3356. That applies only to the election week in each year?—Yes.

3357. It has also been stated here that in the same ward the arrangements for bribery in 1868 were carried on by the assessor, and that he was checked by the aldermen, and that in consequence the assessor was not approved by the magistrates as overseer; can you give any explanation of that to the Committee?—Yes; I think that the statement made was unfair; a trial took place in Liverpool, in which a man was prosecuted for bribery at that election; and on this trial it was stated in evidence that the person, who was assessor, had directed a man when he came up to the booth, and asked for some money, to go next door; the assessor could not be called in evidence at that trial to refute that, but he publicly denied it afterwards, and he stated that the Liberal Committee-room was next door, and he, out of a little joke, said, "Go in next door"; and further, the statement that the magistrates had refused to approve of him as overseer, in consequence of this alleged bribery is not correct either, for the magistrates simply refused to appoint him as overseer because they would thus have had a third Conservative overseer on the list; whereas, they wished to appoint two on one side and one on the other.

3358. It has also been stated that in St. Anne's Ward, and I believe in Toxteth Ward also, bribery was altogether confined to the Conservative party; is that so?—No; I have had what I think is pretty good proof that both parties were implicated in it.

3359. Can you give proof to the contrary now, if the Committee desire it?—I think I could.

3360. Do you consider that the municipal elections had any influence upon the Parliamentary?—I do not think they had any at all with us.

3361. Do you find that men voting at the municipal election Liberal frequently voted Conservative at the Parliamentary and *vice versâ*?—Yes.

3362. Are there many wards in your town that have Liberal majorities for the municipal elections and return Liberals as representatives on the town council that have declared a Conservative majority for the Parliamentary election?—Yes, I think five or six of them.

3363. And *vice versâ*?—Five or six of them are situated in this way, that they return Conservative councillors, and a Liberal majority in the Parliamentary election, and return Liberal councillors and show a Conservative majority for the Parliamentary election.

3364. Was

3364. Was the same machinery at all at work in conducting both elections?—No, we were very particular to keep both elections distinct; and in one or two cases where we found the committee-rooms for municipal purposes and Parliamentary purposes were being held at the same house, we at once removed the committee-room for the Parliamentary election in order to have them quite distinct.

3365. Have you any strong opinion with regard to the advisability of having but one list both for municipal and Parliamentary purposes?—I think it would be desirable to assimilate them and to have only one register for both purposes.

3366. Is that the feeling generally of the various political institutions that you are connected with?—It is.

3367. Mr. *Bright.*] Is that with the view of saving trouble, or for any other reason?—I think it was supposed that if a man was considered good enough to vote for the Parliamentary, he was equally good to vote for the municipal election; it would simplify matters very much by having one register for the two.

3368. You would propose an extension of the municipal franchise to the present limit of the Parliamentary franchise?—Yes.

3369. Sir *George Grey.*] Striking off the freemen from the Parliamentary register? — The lodgers and freemen, I think should be off the register as far as the municipal election is concerned.

3370. But if you make the two registers identical, it would be necessary, would it not, to take the freemen off the Parliamentary register? —No; you would have the two registers identical with the addition in the Parliamentary of the lodgers and the freemen.

3371. Mr. *Bright.*] Then they would not be identical?—They would be very nearly assimilated. The freemen and lodgers might be in a supplemental register.

3372. What is the number of freemen in Liverpool?—I think from 1,000 to 1,200, at present; I am not quite confident as to the number.

3373. Are many of them on both the occupiers' list and the freemen's list?—I should think two-thirds of them would be.

3374. Mr. *Graves.*] Are there a great number of merchants in Liverpool freemen?—Yes; a great many.

3375. Do they prefer voting under their freemen franchise to voting under their property franchise?—I think that they have rather piqued themselves upon their being connected with the old state of affairs.

3376. And they are not confined to any particular side in that view?—No.

3377. Have you given any consideration to whether the mode of voting might be changed with advantage from a public to a secret mode of voting? —I think we could not improve upon our present system.

3378. As regards the mode of giving the vote in Parliamentary elections, have you taken any steps to ascertain the feeling generally of the working-men of Liverpool upon that point?—Yes, I have found, as far as I have come in contact with them, that they are in favour of open voting. I have also had transmitted to me some communications by societies of working-men in Liverpool expressing that feeling.

3379. Will you read one of them?—The first I have is from a meeting of a committee of the Working Men's Conservative Association, and it is to the following effect:—"It having been reported that Mr. A. B. Forwood was proceeding from Liverpool to give evidence before the Select Committee of the House of Commons upon the subject of municipal and Parliamentary Elections, it was resolved that Mr. A. B. Forwood should be desired to lay the following statement before the Committee, if he has the opportunity, as showing the views of this committee, and the labouring men of Liverpool upon the practices at elections; that at the Parliamentary election for the borough there was not the slightest attempt on the part of anyone to influence the voters by treating, intimidation, or bribery; that the committee would view with regret any resort to secret voting, as they believe it unnecessary, more especially since the passing of the Corrupt Practices Act, to protect the voter; that the privilege of having a vote would be little esteemed if it was to be given in secret; that it would destroy that wholesome tone of just pride which a man feels when he is able to declare openly how he votes; that it would not aid the prevention of bribery, nor prevent coercion, if persons wished to try such practices. The committee would further state that corruption exists in two or three wards at municipal elections, the payments being in the form of compensation for loss of wages, the polling place being so far from their place of work; that this arises from the lax state of the laws upon the subject; if the laws were more stringent, or enforced more frequently, it would remedy this state of matters. This committee also thinks that if a public prosecutor were appointed to prosecute in such cases it would be an improvement on the present system; that in the opinion of this committee the working classes displayed much greater enthusiasm and interest in the contest than those in a better pecuniary position. Signed, John Burland, chairman; Richard Jervis, treasurer; Samuel S. Harpur, secretary." That was transmitted to me, I think, yesterday, as having been passed at a meeting of this committee held on Monday last.

3380. What number of members is that society composed of?—Upwards of 1,600 paying members.

3381. Then this has been obtained since you knew you were to be called as a witness?—Yes.

3382. Have you any other documents bearing upon the subject?—Yes, one was sent to me this morning from another branch of that society from which the first came, in which they state as follows: "Liverpool Working Men's Conservative Association; West Derby ward branch, April 20th 1869, to A. B. Forwood and Thomas Bold, Esqrs.—Gentlemen, the committee of the above-named ward have read with pain and indignation the statements made before a Committee of the House of Commons by Messrs Trippier and Johnson, and take this course to deny the accuracy of such evidence from having taken a very active part in the late Parliamentary and municipal elections; they are in a position to state that the committee present this evening, without any special summons in any form, can state the following facts: that the number of voters on the Parliamentary register is 3,972" (that alludes to one ward). "That most of the members of this committee took a very active part in canvassing the electors in the Conservative interest, and that they canvassed more than 1,000 Conservative voters,

Mr. *A. B. Forwood.*

23 April 1869.

Mr. *A. B. Forwood*, 23 April 1869.

voters, besides Liberals; that during their canvass, bribery was neither asked for or given in any form whatever. That little trouble was occasioned to us in getting the electors to the poll to vote. That a very considerable portion of working-men worked the first half of the day before they voted. That as a considerable number of working-men live a great distance from the place they are employed at, and often that is the cause of loss of half-day's wages to them, they would prefer the voting booths opened earlier. That if other means could be adopted to enable them to vote near where they are employed, it would be a boon to them. That if more polling places were opened (especially in large districts), it would be a great convenience. That having paid particular attention to the ideas and thoughts of those we canvassed we found they would prefer open to secret voting. That they have no desire for the ballot system. That where bribery exists, both parties are equally guilty, and both ought to be punished. That the only undue influence, to our knowledge, was that exercised by the Roman Catholic clergy over their congregations. In behalf of the committee, we remain gentlemen, your obedient servants, James B. Jeffery, chairman, Frederick Brownfield, honorary secretary."

3383. Sir *George Grey.*] Do you know what the statements were in the evidence given by Mr. Trippier and Mr. Johnson with reference to the last Parliamentary election which is alluded to in the last resolution which you read as being viewed with indignation by the persons who passed the resolution?—I think one of the witnesses stated that there was drunkenness in the town; I do not think they stated further than that.

3384. Mr. *Graves.*] With reference to canvassing in so large a town as Liverpool, I presume that there were a large number of canvassers employed?—A very large number, but they were nearly altogether volunteers. I should think there must have been 20 volunteers to one paid man; paid men are really useless.

3385. Could you conduct a large election like that without canvassers?—Not without volunteer canvassers.

3386. Could you without paid canvassers?—Yes, I think we could.

3387. Do you think it desirable that paid canvassers should be dispensed with?—Yes, I think so; I do not think they are of any value to anyone.

3388. Have you any apprehension at all that volunteer canvassing leads to any corrupt practices?—I think not in Liverpool, for the men who canvass in Liverpool are not in that position in life, or have not that means that could enable them to give anything. The gentlemen in Liverpool will only canvass in the best wards.

3389. Have you any idea of the number of volunteer canvassers you had altogether?—I should think of committees and canvassers and volunteers there must have been from 1,000 to 1,500 at the election.

3390. What proportion would be volunteers?—Twenty to one.

3391. Do you think that canvassing has any effect in disseminating political information?—I should think very great effect.

3392. Would voters consider themselves slighted if they were not called upon and asked for their vote?—That is my experience in canvassing many of them.

3393. Would you think it undesirable for the candidate personally to canvass?—I think it is undesirable; it places him in an improper position towards the voters.

3394. Do you consider that you could dispense with public-houses for holding committee-rooms in to conduct an election?—I should be glad if we could, but I am afraid not, for we require in a large district large rooms for meetings, and there are no private houses convenient that would take so large a number; and besides that private families, I think, would object to having an indiscriminate lot of strangers coming in upon them.

3395. Do you think it would inflict any hardship if the law required that to be done; would you be able to get private houses sufficient for your purpose?—I am afraid not.

3396. Did any cases of personation at the last election come under your knowledge?—Yes, there were several cases; but two of them that we prosecuted were brought up before the magistrates and committed to the assizes, and after we had spent between 60 *l.* and 70 *l.*, we found that we should have to spend a considerable sum more to get the necessary evidence from the House of Commons, that is to say the poll returns from the House of Commons, and therefore the prosecution was allowed to drop, the parties pleading guilty, and undertaking to come up for judgment when called upon.

3397. Has it occurred to you what suggestions you would make for the improvement of this state of things?—I think there should be some public prosecutor in the case of personation; that it should not be left to individuals to take up such cases as that.

3398. Will you explain to the Committee how an expenditure of 60 *l.* was involved in conducting even one of those cases?—Of course the lawyers ran up a considerable bill for instructions, and giving briefs, and getting witnesses; then there was the barristers' retainers, and the barristers' fees, and really the money went very fast.

3399. Had you to get any evidence through the House of Commons?—No; we did not do that, because it would have involved us, as I said before, in considerable extra expense.

3400. What was the nature of the evidence which you wanted to get through the public documents of the House of Commons?—To bring down the poll-book.

3401. That would involve, you say, a very large expenditure?—Yes, to bring witnesses from London.

3402. I presume if that personation is now carried on under the open system of voting, where it is known how a man has voted, detection would be less likely under secret voting?—I think so.

3403. Has it occurred to you whether it would be possible to conduct a scrutiny, and detect personation with a secret mode of voting?—I do not see how a scrutiny could be conducted as against personation under a system of secret voting.

3404. You have witnessed some elections in America, have you not?—Yes, I have, just casually.

3405. Do you know how that point is dealt with there?—No, I do not.

3406. Have you considered at all what further steps are requisite for preventing bribery and intimidation with regard to the municipal elections?—I think if you were to apply to the municipal elections pretty much the same laws as you

you have made applicable to the Parliamentary, it would effectually put a stop to improper practices at the municipal elections, and especially if you unseated the candidate or the Member upon whose behalf the bribes were given.

3407. How would you propose to unseat a municipal candidate?—I would do it in the same manner as you do in the Parliamentary; have a petition to be lodged against him, and have that petition heard at a local court.

3408. What court would you suggest as a good one?—We have a court of assize four times a year, and I think that it would be more satisfactory to the town generally if such cases could be tried at our ordinary assizes.

3409. Before a jury, do you mean?—No.

3410. Have you known any instances where the Bribery Act has been put in force with reference to the municipal election?—Only one case that I can remember.

3411. Was that from the difficulty of detecting cases, or from the expense of the machinery?—I think it seems to me that what is everybody's business is no one's business as far as that is concerned; that is one reason, and the expense of getting together evidence I think is very great also.

3412. What is the feeling in Liverpool with regard to public nominations?—I think it is averse to them.

3413. Why are they averse to them in Liverpool?—They are scenes of general tumult and disorder, not of actual rioting, because in Liverpool the police arrangements are so excellent that they take care to divide the two parties; but it is continual groans, and hooting, and noise on both sides, so that really no purpose is served by the nomination.

3414. Are you aware whether the Liverpool town council have petitioned against nominations?—I think so unanimously.

3415. Do you remember the county nomination on the last occasion?—Yes; very well indeed.

3416. Was that more riotous than the borough one?—I do not think it was, but it was equally so.

3417. Was it, in your opinion, a mistake to have that nomination at all in Liverpool?—I have not considered that point; I think the nomination is useless in itself.

3418. How would you give candidates an opportunity of expressing their views and opinions if only their own supporters usually attend their meetings?—I think we have plenty of public meetings, and plenty of newspapers; and they have every opportunity of stating their views.

3419. Might not some candidate be put up without the electors having an opportunity of questioning him, and knowing him?—It might be so; but he would have no chance of being elected.

3420. That would be his own loss, would it not?—Yes; it would be his own loss.

3421. With regard to the expenses of municipal elections for booths and those things, are they borne by the municipal council?—They are borne by the council in the municipal elections.

3422. In the Parliamentary, they are borne by the candidates?—They are shared by the candidates.

3423. Would you consider it advisable that that should be altered, and that the expenditure should be thrown upon the town?—No, I think not; in the Parliamentary elections I would leave it as it is; the town, I am afraid, would be put to a useless contest frequently, if there was no protection against any persons putting up; if it cost him nothing to be put up, it would frequently lead to a useless contest.

3424. With regard to the corrupt practices that have prevailed in four or five municipal wards in Liverpool, is it a question of party, or does it partake of a personal character, and depend very much upon the men who come forward as candidates?—Entirely personal, party has nothing whatever to do with it; I believe that either Liberal or Conservative, as parties, have nothing to do with those improper practices; it is entirely on the part of the candidates, or their immediate friends, in the wards which are contested.

3425. Mr. *Fawcett.*] You stated that the election at Liverpool, on the last occasion, was a pure one?—I believe so, quite.

3426. By that, I presume, you mean that no votes were either directly, or indirectly, influenced by the expenditure of money?—Yes.

3427. You stated that the two sides spent close upon 9,000 *l.*; can you give us the leading items of that expenditure?—I am afraid I cannot. I think the larger amount would be in wages to clerks employed in directing envelopes and making out polling tickets, and so on.

3428. Do you think 2,000 *l.* was spent in wages?—Yes, I should think so.

3429. How much was spent in paid agents; would it be another 2,000 *l.*?—No; I should think for paid agents would be perhaps 500 *l.*

3430. How much was spent for paid canvassers?—On the Conservative side perhaps 200 *l.*

3431. Do you know how much on the Liberal side?—No, I have no idea.

3432. Do you think that if that money had not been spent on paid agents, and paid canvassers, and paid clerks, and if the candidates had stood upon economical principles, perhaps those persons who had been so employed would have voted differently?—The Conservatives did not employ any voters.

3433. Not relations of voters?—No.

3434. Neither sons nor brothers?—No, nothing of that description at all.

3435. How is it that corruption prevails at the municipal and not at the Parliamentary election?—I think that a municipal vote is not looked upon as of so great political moment as a Parliamentary vote, and a rather lax system has got into some of the wards.

3436. You stated that the gentlemen in Liverpool would only canvass the respectable wards; who canvasses the other wards?—The volunteer working men, or rather I would say men who are not in such a good pecuniary position.

3437. You object, do you not, to the necessary expenses of the Parliamentary elections being thrown upon the town, because you think it would encourage contests?—I think it would.

3438. Do you remember how many contests you have had in Liverpool since the Reform Act, what proportion of the elections have been contested?—No, I am not able to say.

3439. You have scarcely had an election without a contest, have you?—I should think not above two or three.

3440. Have you not had as many as ever you could;

Mr. *A. B. Forwood.*

23 April 1869.

could; can you think of but one with a contest?—Yes, that would be the extent, I should think.

3441. You could not have had many more contests, even if the new system had been introduced?—No.

3442. You are afraid of a man standing without any reasonable chance of success, just for the sake of an advertisement?—Quite so.

3443. Do you not think that that would be prevented if a man who did not poll a certain number of votes had to pay a certain portion of the expenses?—Yes; I think that would meet the case.

3444. If such a clause was introduced you do not see any objection to throwing the necessary expense upon the town?—No, I do not.

3445. Do you think it would be desirable not to have committee-rooms and meetings at public-houses, if it could be proved that the candidates, without using public-houses, could get a fair opportunity of making their opinions known to the constituency?—Yes.

3446. Do you think that holding meetings at public-houses leads to treating?—We held no meetings, I should explain, at which the candidates attended, at public-houses; the meetings at public-houses were meetings of the committees in rooms engaged for the purpose of conducting the election in each ward.

3447. Are we to understand that the candidates in Liverpool never go to public-houses?—They go to no public-houses.

3448. As far as they are concerned, therefore, there would be no difficulty in forbidding meetings to be held in public-houses?—I think not; I think there are enough rooms for holding public meetings without resorting to public-houses.

3449. Mr. *Locke.*] You have said that in Liverpool there is sufficient accommodation for them to hold those meetings in other places than in public-houses?—Yes, to hold public meetings where the electors are assembled to be addressed.

3450. Where can they hold those meetings?—We had, at the last election, music-halls, and circuses, and school-rooms, and occasionally some Dissenting chapels.

3451. But a music-hall is licensed to sell beer and spirits, is it not?—In some cases it is.

3452. And have you held your meetings there?—Yes.

3453. What do you mean strictly by public-houses?—I mean simply places where men go in to drink, places for refreshment.

3454. Would you call the London Tavern a public-house?—I do not know the London Tavern.

3455. Do you know the new hotel in Cannon-street?—Yes.

3456. Would you call that a public-house?—No.

3457. Do you know the Bridge House Hotel in the borough of Southwark just over the bridge?—I think I have seen it, I call that an hotel.

3458. You do not call that a public-house?—No.

3459. Are you aware that the candidates for the City of London and likewise the candidates for the borough of Southwark hold their public meetings in those places?—No, I was not aware of that.

3460. Do the candidates for Liverpool hold their meetings in similar places to that?—No.

3461. Do they hold them in hotels where they have large rooms?—No.

3462. Do they hold them in music-halls?—Music-halls, or school-rooms, or circuses, and various places of that sort.

3463. With regard to music-halls, persons who meet in music-halls have their refreshments, do they not, wine, brandy and water, and cigars?—I have never been in one when that has been allowed. At the time when our own meetings have been held at music-halls the entrance has been quite distinct from any bar or public drinking place.

3464. However you only speak of Liverpool?—Only of Liverpool.

3465. You do not know whether there are any of those large houses in London?—No.

3466. Mr. *Whitbread.*] Have you examined the returns made by the different candidates of their expenses at the Parliamentary elections at Liverpool?—Some of them; I have not looked very closely at them.

3467. Do you believe that those returns include the whole cost of the Parliamentary election?—No.

3468. You probably have good reason to believe that they do not?—I do not think they do.

3469. What is the penalty attached to making a false return now?—I am not certain; I have an idea that it is 50*l.*, but I do not know the law. Perhaps I might explain my reason why I do not think they make correct returns; there are registration societies on each side in the various towns, and there are those election committees; it is a matter of opinion to a large extent whether many items of expenditure are on account of the registration or are on account of the election, and therefore I think that an agent can make a conscientious return, and can reduce the amount of the election expenses, and that goes to the registration which is not made public.

3470. Then the return, if it is made in that fashion, is not of any very great value in showing what the expenses have been?—I do not think it is.

3471. Do you think that it would be impossible to enforce the return being an honest one?—I should think it would be.

3472. Do you think that it would be a great hardship to attach the penalty of forfeiture of the seat to a candidate making any payment other than those that were included in the return?—I do not think it would, if it were made by his authorised agent or by himself.

3473. Nobody now thinks it worth while to prosecute a candidate for not making a true return?—I do not think anyone is aware whether it is a true or an incorrect return.

3474. Mr. *Leatham.*] You had no bribery or intimidation, I think you say, at the Parliamentary elections in Liverpool?—No.

3475. As you have had no occasion to deal with them, your attention probably has not been particularly drawn to the remedies?—No.

3476. I presume you hardly consider yourself a very special authority upon the subject?—I think that the Corrupt Practices Act has been a very great restraint upon any one doing anything improper.

3477. Mr. *Brand.*] With regard to those meetings which were held last Monday, of which you spoke just now, how were they called?—The first resolutions that I read were from a meeting

meeting on Monday; I know that it was their regular meeting night.

3478. How many attended upon that occasion?—They state 21 in the resolution.

3479. And how many at the other meeting?—I do not know; there is no statement given of the number.

3480. Sir *George Grey.*] Were those resolutions passed with respect to the evidence which had been given before this Committee relating to Liverpool?—I think so.

3481. Have you yourself seen a copy of the evidence which was given by Mr. Trippier and Mr. Johnson?—I have.

3482. Have you seen a copy of the evidence that was taken down by the shorthand writer here, or merely a statement that appeared in the newspaper?—I have seen the official copy.

3483. I understand you to agree with those gentlemen that there has been corruption at the municipal elections, but do you differ from them in stating that in the last Parliamentary election there was no bribery?—I do not think they state distinctly that there was bribery, but if they do, I would differ from them decidedly upon that point.

3484. They state distinctly their belief that there was no bribery?—I cannot call that to mind. I have an impression in my mind, from their answers, that they rather gave the Committee to understand that there might have been some bribery.

3485. What is the statement which you come here to contradict to-day?—I do not know that I come here distinctly to contradict anything particular, but to give a general statement of the state of affairs in Liverpool.

3486. I think you said that some voters in Liverpool had to go three miles to the poll?—Yes.

3487. And that the prohibition of the use of cabs prevented their voting?—Yes.

3488. Is any voter prohibited from using a cab?—Certainly not, but they had not the means of doing it.

3489. What are the wages earned by those men in Toxteth, and the other places they had three miles to come from?—They vary from 3 *s.* 6 *d.* a day to 6 *s.* or 7 *s.* a day, but the employment is very casual.

3490. What is the price of a cab for taking two or three voters to the poll?—There and back 5 *s.*

3491. And you think that they would not pay 5 *s.* amongst two or three of them for the sake of giving their vote?—Not as a rule, certainly not; but I have heard even of some who, when cabs were offered to them, preferred to walk up, for fear of its being misconstrued if they rode.

3492. You were conversant with the elections, I suppose, before the Act passed which prohibited the hiring of cabs by the candidate, or by any one on his behalf?—Not so much as with the last election.

3493. Do you know whether they were very extensively used in the Liverpool elections to bring up voters to the poll before the passing of that Act?—Yes, they were very extensively used.

3494. Do you know what the expense was to the candidates?—I think at the previous election it was something over 1,000 *l.* on one side.

3495. Were they used to bring up voters that lived at a distance of two or three miles, or were they used indiscriminately?—Indiscriminately.

3496. Do you wish to restore that state of the law?—I would wish to give a poor man a better chance of recording his vote. I would say, either restore that state of the law or make it very definite that we cannot use the cabs.

3497. You spoke also with regard to the polling at the county elections; are you aware that the magistrates have full power to provide any number of polling places in the counties?—I believe they have; but they did not take those steps at the last election.

3498. Was any application made to them to increase the number of polling places?—I do not know; I thought they ought to have done it without application.

3499. *Chairman.*] You stated to the Committee the amount of the expenses incurred by each party at the last Parliamentary election, and you subsequently stated that you do not think that those returns of election expenses are very much to be relied upon?—They are not closely to be relied upon.

3500. Do you think that the sums which you have mentioned bear any relation to the real amounts which were spent at the last election?—I believe that they represent what was probably spent over the election; but the registration expenses and the election expenses, I think, were somewhat intermixed.

3501. Should you be prepared to say that double as much was not spent?—Certainly, I am prepared to say so, as far as the Conservatives were concerned.

3502. You stated that you had not come here to expressly contradict any statements made by the witnesses who were examined here on a previous occasion; were you present at either of those meetings, the resolutions of which you have read?—I was present at one of them.

3503. Was that the one where the resolution was passed, which says something with regard to indignation at the statements that were made here?—No.

3504. Do you know what statements they were which were viewed with indignation by that meeting?—I judge that they were under the impression that those two gentlemen had stated that bribery and drunkenness had prevailed at the general election, but I do not know what specific statements they allude to there.

3505. Are you aware whether those witnesses did state that bribery prevailed at the election?—No; I think that one of the witnesses stated that there was a considerable amount of drunkenness in the town.

3506. Should you, yourself, hear that statement with indignation?—I should think that it was not correct. I do not know that it is worth while to feel indignation about it.

3507. You think that there was no more drunkenness than usual?—No; no more drunkenness than usual.

3508. When you quote from the police returns, is it quite certain that if there was more drunkenness than usual at the election, that would appear in the police returns?—I think so. Our police system is very efficient, and very well organised; we have upwards of 1,100 policemen, I think, in Liverpool.

3509. Mr. *Graves.*] Was not a suggestion made that it would be desirable to send up a working man as a sample here, to give his opinions upon the various points into which the Committee are inquiring?—That was suggested.

Mr. *A. B. Forwood.*

23 April 1869.

3510. Was it with a view of obtaining such a working man that you attended that meeting to which you have referred?—I attended that meeting in order to get their opinions upon the matter that was being discussed before this Committee.

3511. They preferred giving their opinions to the Committee in the shape of a resolution to sending up one of their own men?—I did not ask them on that occasion to send up one of their own working men; I asked them to do so on the previous occasion, but they have not sent me one.

3512. Sir *George Grey.*] Had the persons by whom this resolution was passed seen a correct copy of the evidence as taken down by the shorthand writer here?—The one at which I was present did not allude to that.

3513. But in the case of the meeting where they allude to the evidence, had they seen a correct copy as taken down by the shorthand writer?—I have no idea.

3514. *Chairman.*] I see that this document, proceeding from the Liverpool Working Men's Conservative Association, is addressed to you, and it commences by saying, "The committee of the above-named ward have read with pain and indignation the statements made before a Committee of the House of Commons by Messrs. Trippier and Johnson, and take this course to deny the accuracy of such evidence from having taken a very active part in the late Parliamentary and municipal elections;" you do not know to what statements those gentlemen who address you refer?—I do not.

3515. Have you not taken any means to ascertain?—No, I only received it this morning by post; I had no idea that such a document was coming.

Tuesday, 27th April 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	Mr. Howes.
Mr. Brand.	Mr. Hunt.
Mr. Bright.	Mr. James.
Mr. Cross.	Mr. Leatham.
Mr. Edward Egerton.	Mr. Locke.
Mr. Fawcett.	The O'Conor Don.
Mr. Graves.	Mr. Raikes.
Sir George Grey.	Mr. William Henry Smith.
Mr. Gathorne Hardy.	Mr. Villiers.
The Marquis of Hartington.	Mr. Whitbread.
Mr. Staveley Hill.	

THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. HENRY THOMAS DARNTON, called in; and Examined.

Mr. *H. T. Darnton.*

27 April 1869.

3516. YOU are the Mayor of Ashton-under-Lyne, are you not?—I am.

3517. Has your attention been called to the evidence which was given before this Committee a few days since by Mr. Hampson?—My attention was called to it from reading the "Manchester Guardian" of Tuesday week, in which I noticed the evidence of Mr. Hampson, and I was rather pained to observe that evidence.

3518. You have not seen it in any official shape?—No; the information from the "Manchester Guardian" is generally very correct.

3519. Have you any observations which you wish to make to the Committee upon that evidence?—Yes, I wish to state that Mr. Hampson is alleged to have stated before the Committee that treating was confined to the Liberal party only; that is decidedly untrue; the fact is, that in the last Parliamentary election I was, and am now, serving my mayoralty. This is now the second year of my mayoralty, having been re-elected by men of all shades of very strong political feeling in the town, but I am what is called a non-political mayor; while I am mayor I abstain from meddling in politics altogether, and simply attend to my duties. Speaking of the last Parliamentary election, nearly all the public-houses and beer-houses were engaged by the friends of the Conservative candidate as committee-rooms. I believe the Liberals had only two public-houses as committee-rooms, and to guard against misapprehension I can state them to be the "Ashton Hotel" and the "Buck and Hawthorne." During the polling-day a band of roughs, wearing blue favours, made an attack on the "Buck and Hawthorne" in particular, and they twice essayed to sack the "Ashton Hotel," which is in the market-place, near the town-hall, and which I had to defend by a large police force. The pain and suffering which I had mentally undergone during the unhappy periods of the riots was very great, and I have great pleasure in noticing the kind assistance which I received on that occasion from Mr. Gathorne Hardy, the then Secretary of State, and the kind advice I received I beg to acknowledge now, as I see that gentleman present; but that made me particularly anxious that I should never have any recurrence of those things, and that everything in my power should be done as mayor to preserve the town in a good condition, free from riot. The town during the day of the polling was in an excited state, and I believe we only escaped serious rioting, owing to the success of the popular candidate; that is to say, the gentleman who now represents the borough, Mr. Thomas Walton Mellor; he was decidedly the popular candidate. The streets were filled with crowds of men and lads wearing blue favours, many of them forward in liquor. We were so much alarmed at the state of feeling on the part of the ultra-Protestant party, what you may call (I wish to guard against misapprehension) the Murphyite section, that 500 special constables were sworn in, and we succeeded in obtaining with great difficulty 100 men from the county police, and at my request the commander of the district sent us a troop of cavalry from Manchester, in addition to the infantry in the barracks. I believe the friends of the popular candidate were so elated at the result of the election in their favour that all the appearances that had created alarm happily died away. I am a member of every committee of the corporation, and I have personally impressed upon the leading officers of the corporation not to interfere with any of the servants in our employ; in consequence of representations made to me by members of the Conservative party, a committee was appointed, but only one solitary case came before the committee for investigation in the sanitary department, with reference to a charge that had been made of one of our servants having been dismissed for having voted. We went into it most carefully; there are Conservatives on every one of the committees, and in this case we were particularly anxious to see if there was any foundation for the statement; but I am happy to say that the result convinced all the other members of the committee, so that there was no

Mr. *H. T. Darnton.*

27 April 1869.

division upon it, that it was for insubordination only to his superior officer that the man was discharged; I have no doubt about it.

3520. It was stated that the whole of the town council was filled by the Liberal party; is that the fact?—No, the parties are evenly balanced in respect of councillors; there are 12 Liberal councillors and 12 Conservative councillors, but there are eight aldermen, and they are all Liberals. I will give the Committee most reliable information, for I have no party bias in the affair.

3521. Mr. *Locke.*] The aldermen are elected by the town council, are they not?—Yes, by the members of the council. Mr. Hampson is also alleged to have said that the men employed by the corporation were threatened, and that if they did not vote as they were desired they were discharged. I am happy to say that, as far as I can speak to it during my mayoralty, I believe that to be without foundation. I have given the Committee one case in particular where there was a distinct charge made, and proved to be unfounded. I will now advert to our municipal elections. I may say that I was elected to the town council in 1859, and this will be my tenth year in connection with the town council, and sixth year as an alderman. Our municipal elections in former years were marked by violence and drunkenness to a serious extent. I am going to give the facts. I would rather give the Committee facts, and let them draw their own inferences.

3522–23. *Chairman.*] What do you mean by former years?—Whenever there is what I call a threatened contest in a ward, and the parties are going to fight the various wards, say two out of four of the wards, where the parties are very evenly balanced, or somewhat nearly balanced, then there is a great deal of drunkenness; the beer-houses and public-houses are engaged and taken up, and the result is that, for five or six weeks in advance of the election, there is considerable treating and drinking going on, and it is very painful to any person who wishes to see society improved. In the Market Ward, containing 900 voters, I was a candidate for re-election in 1862. I was then defeated through the Conservatives having started two publicans against me and another gentleman, and having secured the greater part of the public-houses and beer-houses; large sums were paid on that occasion to innkeepers and beersellers, for treating, in order to defeat me. I personally informed my committee that I would not sanction any drink being supplied, and that sooner than do so I would lose my seat.

3524. *Chairman.*] You were stating that you had reason to know that large sums were spent on the Conservative side at the municipal election at Ashton?—I have reason to know it.

3525. Were those sums spent in treating or in bribery, or in both?—In treating; I cannot speak to bribery from my own knowledge, nor have I any information to ground a correct judgment upon; therefore I will not make any hazardous statement unless I have a foundation to base it upon. I produce the returns of the expenses made by the agents of the Conservatives and of the Liberals at the last Parliamentary election, sent to me officially. My object is to show the existence of a very bad practice, which requires checking. A large number of innkeepers seem to have been paid on a large scale ostensibly for the hiring of their rooms as committee-rooms; the Conservatives hired rooms in public-houses, the bills for which amount, under the head of "hire of rooms," to 172 *l.* 12 *s.* 2 *d.*; the Liberals' returns show the amount for the hire of rooms as 33 *l.* 8 *s.* 9 *d.* I close my evidence with this strong expression of my opinion, that I shall be glad to see any measure passed which will put an end to treating in every form.

3526. With regard to those returns which were delivered to you as returning officer, have you any means of knowing whether they accurately represent the sums which were spent by each party?—I have no means of information other than what those accounts furnish, and the invoices that are also handed in to me to be checked by the town clerk; but there is a possibility that the friends of the candidates might make on their behalf expenditure which we can have no official information of whatever; the only thing that I noticed remarkably, and I allude to it again, was the fact that during the polling day, as I said, there was a great deal of inebriation on the part of the youths and some grown-up men. Where that drink had been obtained I cannot say, but I have a strong suspicion that "hire of rooms" is a colourable entry; where you see a large sum like that it could not be for hire of rooms alone.

3527. I do not understand you to deny the evidence which was given last week, that corrupt practices have extensively prevailed on the Liberal side in Ashton for some years past in the municipal elections, but you assert that those corrupt practices have not been confined to one party, but to the best of your knowledge they have been general?—My firm belief is that on both sides there has been treating; I cannot speak of bribery; as I said before, I have nothing upon which to ground an opinion in relation to bribery, but it is generally drink; I believe that that very vicious practice exists.

3528. What is the gross amount of the expenses of those two candidates?—The Liberal candidate, Mr. Milner Gibson's expenses, were 331 *l.* 12 *s.* 7 *d.*, and Mr. Mellor's, the Conservative candidate, were 584 *l.* 11 *s.* 8 *d.* That is the official return to me as mayor.

3529. Mr. *Locke.*] You say that the hire of Conservative rooms was 172 *l.* 12 *s.* 2 *d.*; what rooms do you speak of?—Public-houses, with the exception of a few public rooms that they took, but I am unable to distinguish them; they were principally public-houses and beer-houses, with the words "Committee Room" on them.

3530. Were any of them really committee rooms?—They were not really committee rooms in the strict sense of the term.

3531. There were committees held in them, were there not?—Occasionally a few working men met there; supposing there was a Working Men's Conservative Association, as there are now in all the towns in Lancashire, a number of the operatives might meet there as members of that association.

3532. Were there canvassers in the different parishes?—There would be some leading houses where they would be, but all of those were not committee rooms in the strict sense of the term.

3533. But I want to know how many were and how many were not?—The Church Institute and two or three Church of England schools were used as committee rooms, but the great bulk of this charge for the hire of rooms was for public-houses and beer-houses.

3534. You give us the Church Institute and those

those places which are unexceptionable; can you give us the exceptionable?—I have singled out 29 that I could call committee-rooms in public-houses, but I have not completed the list. There was a much larger number.

3535. How many electors are there in Ashton?—There were upwards of 800 voters previous to the passing of the Representation of the People Act, and I think there are now 5,000 odd.

3536. How many parishes are there?—There are the parishes of St. Michael's, St. Peter's, Christ Church, and then the village of Hurst, which contains two churches, which Mr. Oldham Whittaker erected.

3537. I suppose there would be a committee-room in each parish?—Yes; several committee-rooms. In the Market Ward alone there were 900 municipal electors, and that is a very large place.

3538. How many committee-rooms did they require there?—In the Market Ward they would not require a number exceeding two; not fairly so, but supposing they had four, that would be a liberal allowance.

3539. But you cannot say out of those committee-rooms how many real committee-rooms there were, as probably some were houses merely with bills put upon them?—A bill with "Mr. So-and-so's Committee-room" upon it.

3540. Had all those public-houses a notice put upon them that they were committee-rooms?—Yes, every one of them.

3541. Was it merely the name of the candidate?—There were the name of the candidate and the committee-room in all, and in some it was a little more than that, "Vote for So-and-so"; but, certainly, there were the words committee-room.

3542. You say that Mr. Milner Gibson only spent 33 *l.* 8 *s.* 9 *d.* upon hire of rooms?—Yes; the "Ashton Hotel" and the "Buck and Hawthorne" were engaged by his friends.

3543. Did he have only those two?—I think I may correctly say, without fear of contradiction, that Mr. Milner Gibson had not in the whole, including beer-houses, in my judgment, more than four public-houses; but my belief is, that there were only two, and, perhaps, two beer-houses.

3544. What was the majority over Mr. Milner Gibson?—The majority over Mr. Milner Gibson was 200 odd. Dod's book will give that.

3545. How many polled altogether?—There were 4,000 odd polled out of 5,000 odd; they ran very close indeed; I never saw such a very great struggle before.

3546. That was a very large poll indeed?—A very great poll.

3547. Mr. *Cross.*] I think I heard you say that you have been in the council 10 years?—Yes.

3548. Then you remember the municipal elections before my Act came into operation?—I do.

3549. Will you tell the Committee what, in your opinion, has been the effect of that last Act of Parliament upon the municipal elections?—That Act, commonly called Mr. Assheton Cross's Act, was attended with much benefit. First of all, there is a nomination paper to be sent in by certain persons in advance of the election; if there are two vacancies in the ward, and there are only two nominated, at the end of the third day those gentlemen are elected without one farthing of cost, at least, except the ordinary expenses, which are only the printing of bills and some little nominal matters, say 30 *s.* in the whole. My election in 1859 under that Act only cost the corporation 30 *s.*

3550. Do you find many what are called fictitious nominations under that Act?—No, very few. In our borough I know of no case.

3551. Do you think that that Act has caused a diminution in bribery and treating?—I cannot say that; you have all the facts. I have placed the facts before the Committee, and you must draw your own inference from them.

3552. Has it stopped personation?—No, it has not; there is very great difficulty in checking that, because both parties are not sincere in striving to put it down, and punishing the persons who personate; as soon as the election is over, whether it is the manly principle of Englishmee to forgive and forget I do not know, but they dn not wish to prosecute them before the magistrates. There is the greatest reluctance on both sides to do it.

3553. Whatever may be the feeling against their opponents at the time, when the election is over they shake hands?—When the election is over, and party spirit has somewhat abated, there is not a disposition to prosecute. In case of a prosecution there would be a disposition by the respective parties to influence the determination of the magistrates by appealing to their political sympathies, and this cannot be obviated unless you invest a person with authority which will over-ride local influence; because the magistrates are appointed in batches; if there are 12 Liberals there are 12 Conservatives, and there is a constant struggle as each party comes in, so that when anything of these matters comes up it assumes a political aspect, and you may think that justice will weep under such circumstances, because we have not what is an advantage in other large towns, namely, a stipendiary magistrate; therefore we have no head, the mayor is the head for the time being, but it is pain and grief to him if he sees political feeling brought on the seat of justice.

3554. Mr. *Whitbread.*] You assert that nobody is ready to put the law into operation after the election is over; is there any provision in the law which would enable a defeated candidate in a municipal election to obtain the seat if he could prove corruption against his opponent?—I should not like in an assemblage of gentlemen who are much more competent to express an opinion than I am, and more fully acquainted with the law, to enter on any subject which is much better stated in the statute book than taking it from my lips; I would rather avoid entering upon this matter.

3555. Should you be glad to see a provision by which the defeated candidate, if he could prove corrupt practices against his opponent, could obtain the seat?—I should, as the only legitimate way of putting it down.

3556. Do you think that if such a provision existed, the defeated candidate would then come forward or his party, and endeavour to prove corrupt practices against his opponent?—I think it is obvious that he would.

3557. He would not forgive and forget if he could get the seat?—No, not while the political excitement is on and the blood is up; they are not slow to take advantage of a matter of that kind.

3558. Referring to that return about the public-

Mr. *H. T. Darnton.*

27 April 1869.

public-houses that were engaged on the Conservative side, does that return give you any account of the number of days for which those committee-rooms were engaged in each particular house?—No; only in a few cases.

3559. Will you read some of the items?—William Burgess, of the "George and Dragon," 3*l.* 12*s.* 6*d.*; there were one or two that I looked at, and the invoices that were also handed in by Mr. Evans, the agent of Mr. Mellor, to compare with those returns to see if they were genuine, and I made a remark to the town clerk upon the subject, that there was an amount charged in one bill of 12*s.* 6*d.* a day for a committee-room, which struck me as being a very colourable item.

3560. In what sort of house would that be?—A public-house.

3561. A public-house rated at how much?—An ordinary public-house, a house rented at about, say, 50*l.* a year; it is an unreasonable sum.

3562. You think that that would be an unreasonable amount to pay for the use of a room?—Any man I think reviewing it would be certain that it was a colourable item. I cannot arrive at any other conviction; it is my solemn conviction. It is only another mode of manipulating money.

3563. You think that the room was not really worth anything like 12*s.* 6*d.* a day?—Nothing like it; the fact is I can hire the best room in an hotel for a meeting professionally for an hour for 5*s.*

3564. Can you hire for 5*s.* such a room as that which was charged 12*s.* 6*d.* for?—Yes, one of the best rooms in an hotel in our neighbourhood.

3565. What could you hire this room for which was charged 12*s.* 6*d.* a day?—In my judgment I should say that they would be glad to receive 3*s.* 6*d.*, and thank me.

3566. Are the items taken all through as colourable as that?—It is a strong impression in my mind that the great bulk of those items are somewhat colourable, with the exception of the large public rooms, such as public schools; my remark applies to all except those; of course I have been very glad during the late election to see the taking of schools; as returning officer I engaged church and chapel school-rooms for polling booths.

3567. Mr. *Staveley Hill.*] Referring to Mr. Cross's Act, and the proposal that there should be a power to the person who was defeated by bribery to claim the seat, do you think that a scrutiny would be possible in municipal matters?—Yes, and I think that there should be one single independent authority to conduct such inquiry.

3568. Do you think that a scrutiny would be possible?—I do think so.

3569. At what expense would a scrutiny be conducted where a candidate had won by about 50 votes?—It would be considerable, it would depend upon the length of sitting.

3570. It would be a pretty long affair, would it not?—It would be a long affair, no doubt.

3571. Do you think that under those circumstances a scrutiny would often be resorted to?—Where there was a strong feeling it would.

3572. Mr. *Leatham.*] There were distinct charges of coercion made against individuals at Ashton by the previous witnesses; has your attention been drawn to them?—Yes, my attention has been drawn to them.

3573. Are you in a position to disprove them?—Certainly not.

3574. Do you think that the intimidation was confined to one party only?—I think it would be difficult for me to afford any correct answer to that, because I do not know what is going on in the various mills and manufactories where a large number of people are employed; they are managed by servants to a great extent, managers and over-lookers, and whether they are the acts of the masters, or not, one cannot say.

3575. Do you think that the influence of the corporation has been improperly employed at the elections?—Certainly not; I have told the Committee that I specially gave injunctions as mayor to the leading servants of the corporation.

3576. Mr. *Villiers.*] You admit, do you not, that politics enter into every election at Ashton?—To a great extent.

3577. And those practices are known to both sides, as you have been describing?—They are known; I presume that you are alluding to the municipal elections, as to which I asserted that in past years there were very violent contests.

3578. Is there less difference of opinion now?—Not at all; the feeling is more intense, if anything.

3579. The practices that took place in former years are exaggerated now, are they?—There is greater intensity of feeling. Allow me to correct myself lest misapprehension should arise; we have had no recent political contest municipally in the wards; each party have sent their own candidates unchallenged under Mr. Cross's Act by nomination.

3580. There are two parties in Ashton?—Yes.

3581. And there are violent differences of opinion?—Yes.

3582. Those irregular practices at the time of the election may have been, and possibly are, practised by both sides?—I think so.

3583. And when the elections are over, neither party takes notice of what has occurred?—They have not taken any legal proceedings, but they have been threatened; as to personations, proceedings have been threatened against parties for personating, but they have not been persevered in.

3584. But no proceedings have been encouraged by people of the better class?—Certainly not.

3585. The magistrates are partizans, you say?—I should be very sorry to make any reflection upon the body of which I am the head.

3586. I do not use the word in a bad sense, but I understood you to say that according to the party that prevailed at any time, so was the colour of the magistrates; that when one party come in they appoint one set of magistrates, and when the other party come in they appoint another set, who are their political friends?—That is true; you will be quite aware of that.

3587. You remarked upon the difference between your town and other towns, of not having a stipendiary magistrate?—I did.

3588. Do you believe that if there was a stipendiary magistrate, politics would not interfere with the discharge of his duties?—I do believe so.

3589. And that would be an improvement, you think?—It would be a decided improvement if a number of boroughs were grouped together, to employ a talented gentleman of good standing at the bar.

3590. And

3590. And he would be independent?—Yes, he would be independent.

3591. What is the proportion of the two parties on the bench; how many Liberals, and how many Conservatives?—I think we have about 24 borough magistrates at present, or 23 at least, and the majority are Liberals, but that was not so a short time ago.

3592. What is the population of the municipal borough?—Thirty-five thousand at the least.

3593. Then you have about as many magistrates as you want, have you not?—Quite enough in my judgment; I do not know what other gentlemen may think, but we have not seats for them all on the bench now.

3594. Do they generally all meet?—No; we have rotas, about five gentlemen in four distinct sets, or batches of magistrates.

3595. Are there three Liberals and two Conservatives in each batch?—There is a majority of Liberals in some batches.

3596. It is so arranged, is it?—I think it is only in fairness that I ought to dovetail into that this remark. We must take into account that once a year all the magistrates are summoned together, by the direction of the mayor through the town clerk, requiring them to meet, and they have to appoint what magistrates will sit on certain days. Then, if the larger number should be of one opinion, or one party is in a majority that day, of course they can appoint the rota in their own way.

3597. So that the general result is, that there are about three Liberals to two Conservatives?—You will understand that we so arrange this rota (and it is only just that you should take that into account) that every magistrate, whatever his opinions may be, shall be upon those rotas; I only want to show that in fairness, in attempting to constitute the bench aright, every magistrate is fairly consulted and summoned; but there are some who, although on the bench, will not act at all or attend.

3598. Have you ever heard magistrates, whether Liberal or Conservatives, complain of the proceedings that take place at those elections?—Complaints have been made of personation, and very strong resolves are made to punish in the future.

3599. But they have never taken any step to prevent them?—They have not, except it may be in one or two little paltry proceedings which were never carried out properly.

3600. Do you think it would be satisfactory to the town if the law were made more stringent, and there were the means of enforcing the law which exists against those illegal practices?—It would if there was an independent authority to execute it.

3601. Do you think that that would be satisfactory to the town?—I think it would.

3602. Do you think that they are tired of those illegal proceedings?—I do think so.

3603. You spoke of certain rooms as to which you thought the hiring of them for committees was merely colourable. What was the real purpose of hiring those committee-rooms; was it to conciliate the owners, or for the purpose of giving drink?—I think it was to conciliate the owners.

3604. Do you know what was paid for any rooms that were not at public-houses?—£ 1., a very reasonable amount, was paid to the North End school; the advantage of that would be that it would go to help the managers to bear the expenses in carrying on that school; that was a wise payment, and I would that they had all been held in schools where there was no drink.

3605. It was 12 *s.* 6 *d.* at the public-house, and 1 *l.* at the school?—I do not say that in every instance; all the public-houses were charged at that uniform tariff of 12 *s.* 6 *d.*, but I saw a bill which had that amount of 12 *s.* 6 *d.* charged per day, and I considered it too high. The 1 *l.* for the school was for the whole election.

3606. What was paid to the Church Institute?—I cannot lay my hand upon the item of the Church Institute at all.

3607. Have you any doubt that something was paid for it?—Considering that there is a large body of gentlemen that subscribe to the rooms, it may have been comprised in their ordinary subscription; for instance, there is a Conservative Association held there, very powerfully supported, and they have had some legacies left them, so that they may not have charged for it.

3608. Do you know what Mr. Milner Gibson paid for his rooms?—Yes; he had the Independent Methodist School and paid 10 *s.* a day for a committee-room, and the Temperance Hall 2 *l.* 17 *s.* 6 *d.* for the whole of the time, and the "Ashton Hotel" 20 *l.* for the whole of the election; that is a very large hotel.

3609. Can you tell us what he paid for any committee-room at a public-house?—There appears to be one here; I think it is not a public-house, but it is a very respectable beerhouse, one of the better class, for which he paid 1 *l.* 10 *s.*

3610. That was for the election, was it?—It must be for that, because the account is for that purpose; it would not be for a day, it would be for several weeks, for the whole election.

3611. Sir *George Grey.*] Is it your opinion that the appointment of a stipendiary magistrate at Ashton is essential to the due enforcement of the law against bribery and corruption at the municipal elections?—Decidedly so, if the law is to be carried into effect.

3612. Has it ever been proposed in the town council that such an officer should be appointed?—It has not.

3613. Are you aware that the town council have the power of memorialising the Secretary of State to appoint such an officer if they assign him a sufficient salary?—I have some idea of that kind, but I have not turned my attention to it, because I know that if there was an attempt made it would not be favourably received.

3614. Do you mean that during your 10 years in the council neither you nor any other councillor have ever proposed the appointment of a stipendiary magistrate?—No; I would not like to propose a thing if I did not see that I had a chance of carrying it.

3615. Why do you think that there is no chance of carrying it; is it that the magistrates would be indisposed to surrender their powers?—They would be very jealous of parting with their authority and power.

3616. Mr. *Cross.*] If a stipendiary magistrate were appointed, would not the same indisposition among the parties to prosecute still prevent bribery being proceeded against?—I now speak of 29 years of practical experience as a lawyer, of the working of the system in the City of Manchester, and all places where stipendiary magistrates are appointed, and I always find the laws more fairly carried out, and that they are more free from political bias.

Mr. *H. T. Darnton.*

27 April 1869.

3617. Do not you think that there would be the same indisposition to prosecute for bribery, whether it was a stipendiary magistrate or an ordinary magistrate?—I think not. I am inclined to think that by the influence of gentlemen of the bar, being magistrates, we should have the law better carried out.

3618. Who would be inclined, do you think, to carry out the law and to prosecute?—You must have a public prosecutor as well as a stipendiary magistrate; the one without the other would be useless, except that the fact of his being a talented lawyer would be a decided advantage to the bench.

3619. Mr. *Hunt.*] Is it your experience that the appointment of a stipendiary magistrate in any borough has been followed by a diminution of bribery at the municipal elections?—My attention has not been called to that subject, and I will not hazard an opinion.

3620. Mr. *Raikes.*] I think you said that the influence of the corporation is not improperly employed in influencing voters at present?—At present certainly not; and I am in the second year of my mayoralty.

3621. You are speaking merely from your own experience?—Yes; if I found anything of the kind I would denounce it.

3622. Have you never heard that some years ago, at the time of the cotton famine, when there were operatives employed upon public works, the influence of the corporation was brought to bear upon the operatives so employed?—It was alleged, but not proved.

3623. It was a matter that was talked about at that time?—Yes; you can make a charge, but it is another thing to substantiate it.

3624. Mr. *Villiers.*] It was not substantiated?—It was not.

3625. Sir *George Grey.*] I think you said that one case was investigated by a mixed committee of Conservatives and Liberals, and that that committee unanimously determined that the charge was without foundation, and that the dismissal of the man was for insubordination?—Yes, for insubordination only, and that it was not attributable to politics.

Mr. Henry Davies, called in; and Examined.

Mr. *H. Davies.*

3626. Sir *Michael Hicks Beach.*] What is your profession?—I am a Publisher, and keep a library in Cheltenham, and conduct one of the local journals.

3627. What is the population of Cheltenham?—The population at the last census was 39,000 and some odd; we estimate it now at somewhere about 45,000.

3628. Is that the population which is subject to local government, which you have come to tell us about?—Yes.

3629. Cheltenham is, I believe, under the jurisdiction of the county magistrates, and subject to county rates?—It is.

3630. But it is locally governed, is it not, by what are called improvement commissioners?—Yes.

3631. Will you state to the Committee the number of those commissioners, and how they are appointed?—They are 30 in number. They were originally named in the Act of Parliament, and 10 go out every year, so that we have an election, unfortunately, every year, for 10 local commissioners.

3632. What was the date of that Act?—One thousand eight hundred and fifty-two.

3633. Will you state to the Committee the principal provisions of that Act, with reference to the local government of Cheltenham?—The Commissioners are, properly speaking, a sanitary board, and they administer all their functions, with reference to that particular object; but they take cognisance of all matters connected with the local government, except those matters which go before the magistrates, which are criminal cases and cases outside their jurisdiction. They regulate the town, they pave it, they light it, and they do a great variety of matters for which they are appointed in the Act; they purchased the cemetery, they make sewerage works, they pull down houses when they like, and they have power to put up new ones; but they have not exercised the latter power very often.

3634. How many wards is Cheltenham divided into for the purpose of elections?—There are five municipal wards, and, of course, the same for Parliamentary purposes, except that the recent Boundary Act added a sixth ward, which may be called Leckhampton Ward, for the Parliamentary elections.

3635. But that is not within the municipal boundary?—No, it is not.

3636. You have been a member of this board for some years, have you not?—Ever since the Act was passed.

3637. Will you state the qualification for electors of those commissioners?—The qualification for electors is simply the payment of the borough rates.

3638. With what residence?—With a residence of one year; that is to say, the voter must have paid a complete year's rates.

3639. There is no qualification as to the payment of the poor rate or the county rate; that has nothing to do with it?—Nothing whatever to do with it.

3640. It is simply the payment of the rates which the commissioners administer?—Simply the payment of the borough rates; those which we take cognizance of ourselves; I should say that we base our borough rates upon the poor rate, and, therefore, all the names in the poor rate come into the borough rate, and a good many more.

3641. What is the difference between the Parliamentary electors at Cheltenham and the municipal electors; are they nearly the same body?—Almost all the Parliamentary electors are necessarily municipal electors, but, of course, the municipal electors are very much more numerous, because there is no qualification required, and we vote under Sturges Bourne's Act, under which ladies vote and the owners of property vote, as well as the occupiers of property.

3642. You stated, as I understood you, that the qualification was the payment of the borough rate?—Yes, for occupiers; but over and above that, the owners have a right to vote as well in respect to their property; so that there are two distinct qualifications, ownership and occupancy.

3643. Is

3643. Is there a plural vote?—There is a plurality of votes under Sturges Bourne's Act; we put on a vote for every 50 *l.* rating up to six under that Act, I think; so that a person who is an owner, myself, for example, can give 10 votes. I should be qualified to vote as an owner for five, and I should be qualified to vote as an occupier for five probably, or for six, if it so chanced.

3644. Could one man give 12 votes?—One man could give 12 votes; he could give six as owner, and six as occupier, if he were sufficiently qualified under Sturges Bourne's Act.

3645. What ward do you represent?—I live in the Middle Ward, and have represented it ever since the commission was established.

3646. Is there much difference in the composition of the constituency of each of the wards?—Yes, a great deal; the ward in which I live is called a Conservative ward, and we generally return Conservative commissioners.

3647. I mean is one part of the town a very much richer description of property than the other?—Yes, there is a very great difference.

3648. With respect to the ward which you sit for, of what nature is the property in that ward?—It is a very high rated ward, because the principal houses of business are in the ward, and they are rated very high; there are also a great number of private gentlemen's houses in it.

3649. From what you said just now, I conclude that there is a strong political feeling in the elections of these town commissioners?—Very strong.

3650. Has that been the case ever since the Act of 1852 was passed?—Ever since the Act passed, I think, to the best of my recollection, the feeling has existed, but it has increased in intensity as time has worn on, and lately we have become, I am sorry to say, much worse than we used to be.

3651. Do you think that there has been any corruption of any kind in the elections for commissioners in Cheltenham?—Of late years there has been a great deal of corruption on a small scale; that is to say, the lower class of voters in some of the wards, in two or three wards especially, have, within the last six or seven years more particularly, been bribed by the gift of beer tickets, to go and give their vote for any particular candidate.

3652. Has that been generally done, or only by candidates who were brewers, and publicans?—It has been generally done; when I say generally done, I mean the agents of the different candidates, or their friends, give those tickets to a certain class of voters, but, of course, you may suppose they are always what one may call the most degraded class.

3653. Is this the mode: that they give a ticket of that kind to the voter on application, and the voter on presenting it is supplied with a certain quantity of liquor?—Yes; the price of a vote to such people used to be a beer ticket, which used to get them a quart of beer, but it has gone on increasing from one quart to two quarts, and from two to three quarts; and I believe that at the last election, in some cases tickets of the value of 2*s.* were given to some of those voters.

3654. Besides the distribution of those beer tickets, is there any actual payment in money?—I do not think that there is any actual payment in money, or if there is, it is on a very small scale. Of course, that sort of payment becomes a payment in money, because those people who get tickets do not always get the drink, but they part with them to some others who do get drink for them; but I do not think there has been anything like bribery in a money payment for the vote.

3655. Has there been any personation in those elections?—Yes, there has been to a considerable extent; I believe more particularly with reference to absent owners. The owners of property having votes, many of them of course live away from the town and are not known, and the parties who work those elections very often are aware of that, and they get persons to represent them, that is to say, they send parties up to personate them.

3656. The owner of a property, however small, has a vote, has he not?—Yes.

3657. Has there been any instance of intimidation?—In two of the wards there is always mob intimidation.

3658. Will you state which wards you refer to?—In the East and North Wards there is always a certain amount. There is such a throng of people, and such very rude behaviour attending the polling places there, that the better class of people are deterred from going down to the poll in the East and North Wards; that is particularly the case.

3659. You stated, did you not, that ladies have a vote?—Yes; but ladies voting in either of those wards is a very difficult thing to do. There are a very great number of women vote in those wards; but I should hardly call them ladies.

3660. What is the mode of voting in those elections?—The mode of voting is by a voting paper, which is filled up previously with the names of the candidates, and then the voter signs it, and hands it in to the presiding officer, and his vote becomes recorded; those voting papers are preserved, and subsequently very often they are scrutinised.

3661. Must the paper be handed in personally?—It must be handed in personally.

3662. What are the class of people who generally stand as candidates for those commissionerships?—Of late years they have been wholly engaged in trade; not quite without exception, but nearly without exception. I think there are two independent gentlemen at present in the commission, and there are two or three professional gentlemen, but all the rest are composed of tradesmen. Originally they were almost all gentlemen, in the first Act of Parliament, or persons possessing a considerable social standing in the town.

3663. Cheltenham is a town very largely composed of resident gentry, is it not?—It is very largely so.

3664. To what cause do you attribute the want of willingness on the part of the gentry to interest themselves in those matters?—In the municipal elections, I think, it proceeds from the great annoyance to which they are frequently exposed by going to the poll, in consequence of the crowds which sometimes beset those places; and when they go even in their carriages they cannot get there; in the two wards particularly which I speak of they cannot get near enough.

3665. You are now referring to the voting at the elections?—Yes.

3666. My question had reference to their acting as commissioners; from whence does their unwillingness arise?—It arises from this cause: of late years it has been necessary, in order to

Mr. *H. Davies.*

27 April 1869.

secure a seat for a commissioner, that he should canvass, and that is very repugnant to the feeling of the better class of independent gentry who live amongst us; they will not consent to undergo the annoyance of canvassing for such a very barren honour. I have known many gentlemen say that they would be quite willing to serve, but the man that canvasses must necessarily win, and they will not, and cannot, undertake to canvass.

3667. Do you think that the corrupt expenditure of which you have spoken has had anything to do with those gentlemen not standing for commissionerships?—No, I do not think it has, because this corrupt expenditure to which I have adverted has arisen almost since the gentry disappeared from amongst us. I do not think that if the gentlemen had remained commissioners that corrupt expenditure would ever have taken place.

3668. I presume the elections for commissionerships partaking strongly of a political nature, the commissioners themselves also have political feelings?—Yes, very much so; that has been the case, unfortunately, for a long time.

3669. Can you state to the Committee any circumstances that have occurred within the last two or three years which would show that there is a political feeling existing at the board with reference to questions which have nothing to do with politics?—Every appointment, however small it may be—there are not many it is true, but they are always questions of political controversy, and there is, unfortunately, a disposition upon one side to oppose almost anything that comes from the other—we have had many cases of that sort; I have myself been sitting upon a committee of inquiry within the last three months to investigate the conduct of two of our presiding officers, who were charged with exercising a political bias in the mode in which they took the elections in two particular wards, the one the East and the other the South Ward, and upon both occasions, though the committee was composed of a majority of the political party having the same political feeling with the officers themselves, we were constrained to come to the conclusion that they had exercised in the administration of their office a party bias; so that it is really carried as far as it well can be carried, and we have of late years also got into very great disgrace in consequence of certain disclosures that came out.

3670. What was the appointment to which you allude; do you mean the officers that you had appointed to act as returning officers in the elections?—The chairman, for the time being, appoints a presiding officer for each polling booth in each ward, and appoints always some one of the commissioners, and if the chairman is a Liberal he generally appoints a Liberal presiding officer.

3671. What was the charge against those gentlemen who were thus appointed?—That they had received votes which were improper, when they were tendered upon their own side in politics, and rejected votes upon the other side under similar circumstances.

3672. Will you state what the report of the committee was, that inquired into this matter?—It was a very voluminous report, but practically, it amounted to a vote of censure upon both of them.

3673. It was made public, I believe?—The reports were not in the papers, but the substance of them was stated in the papers; the conclusion of the committee, with reference to the inquiry in the South Ward, is this; they say, "The committee cannot avoid saying that the conduct of the presiding officer in rejecting votes to so large an extent, was calculated to have produced a different result, and is much to be blamed." That different result being this: the successful candidate demanded a committee of inquiry into the conduct of the presiding officer, and though his majority was so large that it became impossible for any amount almost of bias to beat down that majority, still the bias was clearly proved I think to the committee. And in the case of the East Ward, the conclusion come to was this: "That after allowing their full weight for all these circumstances (those are a variety of extenuating circumstances which the committee themselves thought might be urged), the committee are forced to the conclusion that they do not cover the facts above reported, and that such facts cannot be set down to the score of mere accident." Those were the conclusions, and those reports were ordered to be inserted upon the minutes of the commissioners.

3674. I understand that the majority of those committees were politically favourable to the gentleman charged?—Yes; there were four of the same political feeling as the officers charged, and three different.

3675. Can you state any instances of corruption in the municipal elections of 1866 and 1867?—In 1866, the system of corruption which I have described by beer tickets, had come to the spring tide; it rose very high, and in point of fact there was a great effort made to alter the balance of the political character of the board. For nearly 10 years I think, previous to that, there had been a majority of Conservatives at the board, but in that year there was a very lavish expenditure of money in carrying on those contests, and the majority was changed; there were beer tickets distributed to a very large extent, I believe, and very expensive agencies instituted, with a view to secure certain seats in the borough, and the same occurred in 1867, so that the previous Conservative complexion of the board was then effectually destroyed.

3676. What was the special object of so much extra effort at that time; do you know of any?—There was a great fight for the clerkship; the clerk that we had then was in a very precarious state of health; he was expected not to live from month to month, and as the office was worth more than 500 *l.* a year, it became worth the while of certain parties to be exceedingly desirous of getting into the board, and they did get there.

3677. Do you think there was more money spent than usual on that occasion on account of this appointment being probably soon to take place?—I am sure of it.

3678. In fact, it was known that the election would depend upon the political opinions of the commissioners?—Yes, decidedly.

3679. With reference to the commissioners' elections last autumn, do you think those were in any way connected with the following Parliamentary election?—I have no doubt they were.

3680. Did any corrupt practices take place at the commissioners' elections?—I am not myself aware of any, unless it was corruption to use one agency for the purposes of another.

3681. I am referring to the elections in the autumn of 1868?—I have no doubt that the municipal

municipal elections in 1868 were made instrumental for Parliamentary purposes by the employment of people nominally for municipal purposes, but really to procure their votes for the then on-coming Parliamentary contest; that, I believe, existed to some extent in more than one ward.

3682. Can you suggest any remedy for the treating and personation which you have spoken of as occurring in those elections?—As far as personation goes, which is, I think, the worst part in our municipal elections, the only remedy that I could suggest would be that which the last witness tendered, namely, a public prosecutor. We have repeatedly known cases where personation has taken place very frequently, but no person felt disposed to go and fight a public question at their personal cost. Nobody will undertake the legal expenses on the one hand, or incur the annoyance to which he would be exposed upon the other; I have known legal proceedings commenced, and the parties after a while finding that they were incurring expenses and probably considerable liabilities of a pecuniary character, have abandoned them; and in some cases they could not perfectly well establish the personation, and after the initial steps have been taken the process has been abandoned, and I believe if there had been a public prosecutor many of those parties would have been punished or would have been fined, or whatever the law enacted as a remedy to it; but I do not think, until something of that kind is done, you will ever get rid of personation under the existing laws.

3683. It would still be necessary for some one to give information to the public prosecutor, would it not?—Yes; but there would be less difficulty in that, I think, than in becoming a public prosecutor, and incurring the expenses of law proceedings. I know a little of what fighting a public battle of that kind is, from having in the year of the North Ward riots taken it upon me to raise a sum of money to pay the law expenses, and they came to a very good round sum before they were done with.

3684. Have you any other suggestion to offer for the improvement of the electoral body in those commissioners' elections?—I do not know that I could offer any suggestions that would be worth the Committee's attending to; I should very much like the tumult that we have had occur in some way prevented; it has even gone so far that, in the North Ward, roughs have been hired, and there has been a great deal of difficulty there, which I think ought not to be in a town like ours, and remedies ought to be provided.

3685. Has that occurred in the municipal elections?—Yes, in the municipal elections; we have not had that terrorism in the Parliamentary elections. But I am speaking now of the municipal elections; our process ought to be simplified in that as well as in the Parliamentary elections.

3686. You think it would be well that the franchise for the election of commissioners should be assimilated to the Parliamentary franchise?—I do; my own impression is, and I have thought about it some little, that if it were possible to make the same register which is adopted for Parliamentary purposes become the register for municipal purposes, a very large expense would be saved and a great deal of difficulty and trouble got over.

3687. Sir *George Grey.*] Do you mean that you would strike off all the owners of property and the women?—What I should like to see done would be this: that since the Parliamentary constituency has been so much enlarged as it has been, there is now no reason whatever why the same constituency should not be also the municipal constituency, and vote from the same register.

3688. Would not the result of that be to strike off all the owners of property and the women?—That would be the effect of it; but I believe we should then have no difficulty from another source. We have great annoyance and difficulty arising from what I have not mentioned to the Committee; after those elections have taken place where there has been a hard fight there comes what is called a scrutiny, and all those papers which are handed in are scrutinised by the candidates and certain commissioners appointed, and they go through all those voting papers and compare them with the rate book, and they strike off a great number who are paupers and some who have parted with their property; that is a very onerous and a very troublesome process to be gone through, with very little result arriving different from that which took place previous to the scrutiny. Now, the title of the Parliamentary register is so good that no vote could be challenged under it, and I think if the municipal constituency, now that the Parliamentary constituency is made so large, were made to be the same, you would have better local government, less tumult, and, unquestionably, a great deal less expense. That is my own impression of it after a good deal of experience in these matters.

3689. Sir *Michael Hicks Beach.*] Would that be the feeling amongst the ladies and owners of property in Cheltenham?—I think the ladies would rejoice in being removed from the annual annoyance of solicitation for their votes.

3690. Do you think that the owners of property would like to be deprived of the advantage of the influence of their votes?—They might not like it, but I could guard to some extent against that by giving in the municipal elections the property qualification where the voters vote; that is to say, letting them vote under Sturges Bourne's Act; and then property, which is subject to the heaviest portion of taxation in boroughs, would have its weight. If the Parliamentary register were used for municipal purposes, and the votes were taken under Sturges Bourne's Act, I believe all the owners of property would feel that they were very fairly treated; they would rejoice in having a better constituency, and their property would be more adequately represented; that is my own impression.

3691. Sir *George Grey.*] You would retain the plurality of voting in the municipal elections?—I would retain the plurality of voting in the municipal elections where the occupier was the owner of his property, but an owner *quâ* owner who may reside outside the borough of course could not vote, because he would not be on the Parliamentary register; but where the occupier was also the owner of the property I would give him a plurality of votes.

3692. Sir *Michael Hicks Beach.*] By getting rid of those who are non-residents, you would also get rid of a good deal of personation, would you not?—I should eliminate that cause of personation at the borough elections, because personation mostly takes place from people who are supposed

Mr. *H. Davies.*

27 April 1869.

supposed to be unknown. Voters voting in the district in which they live are tolerably well known, and therefore it would require a little bit of courage in a man to go up and personate his neighbour, but where a voter, who is the owner of property, lives 100 miles off, and does not come to the place perhaps above once or twice a year, and then only to receive his rents, it is a very safe card to say, "I am John Smith or John Brown."

3693. By a still further division of the polling districts you might almost ensure, might you not, that every voter should be personally known?—Yes, that would certainly be the case; I would place such officers in the polling booths that I do not think there would be half-a-dozen men in the ward that were not known.

3694. Would you suggest any alteration in the nominations for the commissioners' elections?—I would suggest a very material one, for at present the mode of election with us is a very objectionable one. A person may be nominated, and go to the poll on the morning of the election, and no previous intimation whatever may have been given that he is a candidate. Where two parties are tolerably certain from their local influence to carry the election, it is a very common practice with us for the other party to put up two men on the morning of the poll, or the night before, for the purpose merely of annoyance, and expense to their opponents, and to keep the poll open; because, the poll closes if there is not a vote given within an hour. I know one remarkable instance some years ago, when two of the most popular and best commissioners that we ever had, who were sure of their re-election in the West Ward, went to the poll with the certainty of being returned, and the poll was kept open by one vote an hour up to three o'clock, and at three o'clock two other men were nominated without their consent, and they came in by a very large majority. There is one remark which I wish to make with regard to what I read in the paper. The first witness that was examined before the Committee complained of the same annoyance that I have just now indicated to the Committee. I would only wish to suggest that there should be in all municipal elections a pre-nomination, and a certain number of days given, by which, as in the case of boards of guardians, all the candidates must be nominated; there is no pre-nomination required with us.

3695. You have had some experience in the Parliamentary elections at Cheltenham, have you not?—Yes, I have had some.

3696. Are you pretty well acquainted with the expenses that are incurred at the Parliamentary elections?—Yes, I know some little about them, and they are very heavy; I think they ought to be economised by a different process; I do not think you will economise them under the existing processes.

3697. Has the registration at Cheltenham been a source of very great expense?—It is a source of annual expense; the considerable sum of money which has to be defrayed every year adds very much to the expense of a candidate when he comes to the election, because it becomes a charge to him and his friends year after year, and it is, in fact, part and parcel of the election expenses whether defrayed by the candidate or by his friends; I should wish the registration to be very much simplified, which I think could be done without much difficulty, and I am quite sure with great advantage to the constituencies and to the candidates.

3698. With reference to the nominations at Parliamentary elections, what would be your opinion upon that subject?—I should do away with open nominations altogether if I had the making of the law, for I believe they are the source of very great evil; I am sure they are the source of great corruption. The present system of nomination increases the expenses of the election very much, for the nomination-day is almost as expensive, if not quite very often, as the polling-day, and I think it would be very much better if the nomination on the hustings were done away with. It was instituted when there was no opportunity of knowing otherwise what the sentiments of a Member of Parliament were, which are now known through other channels, and I think that the hustings ought to be done away with, and the whole and the entire machinery connected with it, and that candidates should be named in writing a certain time before the day fixed for the election, sufficiently long to admit of a canvass being proceeded with. There is another thing which I consider of importance, I do not think that towns ought to be distracted by a long protracted canvass.

3699. You state that open nomination, in your opinion, occasions considerable expense and corruption; in what way do you think it produces that effect?—The excitement which is produced at a nomination is such that, for the rest of the day, all those who take an active part in the election do nothing else but endeavour to make good the work of the morrow, and they make it in a great variety of ways. I believe that if there be bribery in many towns, it is done upon the eve of the polling-day, after the excitement of the public nomination. Men commit very indiscreet acts in their desire to serve their party, without either the knowledge of the candidate or authority from the agent, and they compromise the party in whom they feel an interest. If the nomination were done away with, I believe all that evil would be done away with also, and, instead of the public-houses being filled, as they are now, with people eating and drinking almost all night long on the eve of the polling day, they would be comparatively quiet. Indeed, it has been a doubt in my mind whether, on the eve of the polling day, all public-houses ought not to be closed at a certain hour, because I believe that the principal part of what is called illegal proceedings, from my little experience, takes place after the nomination, when the parties are in a state of excitement, and are induced to do things which are improper, and which they would not have done had it not been for the excitement induced by the nomination.

3700. Has inconvenience ever occurred at Cheltenham by candidates being nominated at the last moment at a Parliamentary election?——Great inconvenience would necessarily occur to the returning officer, and would destroy all his arrangements; I could mention a case in point, as an example of that. I do not now recollect what particular year it was in, but there was an election, and I think it was when Mr. Grenville Berkley came forward for our town. The writ came down at a very short notice; there were only three or four days allowed for the return to be made, and it was impossible to canvass the town, and the Conservative party then saw no chance of winning, being taken

taken wholly by surprise, their only chance being that there had been no canvass. We had a gentleman ready to come forward and take this chance, and I was commissioned to go to the returning officer between 10 and 11 o'clock to inform him that the Conservatives were going to nominate a candidate. I did so, and I met him coming out of his carriage just as he had been making all his arrangements for no contest, for a walk over, and I told him that we should bring forward a candidate and go to the poll; he was, of course, very indignant with me for making such a communication, as he had made no preparations for polling booths or hustings, or anything else, but a small place in the town-hall; he was obliged, very suddenly, to recast all his arrangements and do the best he could. But that ought not to be; candidates ought to be nominated for Members of Parliament, in my opinion, a certain length of time before coming forward, they ought not to be allowed to come forward at any time they please. My impression is that no gentleman should be brought forward as a candidate unless he were announced a fortnight or a month beforehand.

3701. Do you think it is objectionable that such a short notice should be allowed, that a man should be nominated on the day of the nomination?—I do think it highly objectionable, because it exposes all the parties to surprise, it inconveniences the returning officer, and it destroys all the arrangements that may have been intended for one candidate.

3702. Sir *George Grey.*] What length of time do you think ought to elapse between the issue of the writ and the actual election?—I think a fortnight or a month ought to elapse.

3703. If a Member dies, or accepts office, or vacates his seat, do you think a month ought to elapse before the seat is filled up?—In such cases I do not; I think that that should be an exceptional thing, and as, under the present law, a Member who takes office might be returned as soon as possible; but I think that no gentleman ought to come forward as a candidate unless he can give a fortnight or a month's notice. It has always been a wonder to me what necessity there existed for having writs returned within three or four days.

3704. After a dissolution of Parliament, you think there ought to be a month before any election takes place?—I do; or if not a month at all events a fortnight, or some longer time than is sometimes allowed now.

3705. Sir *Michael Hicks Beach.*] It generally happens, does it not, that there is about a month after a dissolution of Parliament?—Not from the receipt of the writ. I do not think there is that time allowed. I think that from the receipt of the writ, which is the first official notice which the constituency receives, the time allowed by the writ is, ordinarily speaking, too short.

3706. Mr. *Bright.*] Would you say that with the excitement of the present mode of electing that you would like to have a large town kept always in turmoil for a fortnight or a month preceding the election?—On the contrary, it is that I wish to get rid of, and in order to get rid of it I make this suggestion. Our town was, unfortunately, kept in the turmoil of an election a long time because our present Member commenced his canvass six months before the election took place, and we were agitated from the month of April to the month of November by the canvass; it is to cure this kind of thing that I make the suggestion.

3707. Sir *Michael Hicks Beach.*] Would you like to limit the time allowed for the canvass?—Yes, I should very much like to limit the time. I think it would save very great expense to the candidates, and I am quite sure it would save expense to the town.

3708. How could you prevent people canvassing before a certain time?—I would prohibit the candidate canvassing until some official notification was made by Parliament that there is to be an election. If Parliament, instead of three days, were to allow a fortnight or a month for the election, that would be time enough to canvass, and I would not allow public meetings to be held to agitate the town, as our town has been agitated for six months by public meetings, until an official intimation had been received by the returning officer that the constituency were expected to elect a Member of Parliament; and this could be provided for by allowing a greater length of time between the receipt of the writ by the constituency and its return. And if the candidates were then nominated, and their names were made public by the returning officer, I cannot myself see any great objection to a process of that kind.

3709. Mr. *Villiers.*] Would you allow canvassing at all?—I would allow that which I could not prevent.

3710. Sir *Michael Hicks Beach.*] If you cannot prevent it altogether, how could you prevent it for a certain period?—I could prevent it through the candidate and his agents, though I could not through his friends, and I could disqualify him if he canvassed before the receipt of the writ, or if he held public meetings before the receipt of the writ, because instead of prolonging the contest in general elections I should contract it.

3711. I presume you would be of opinion that a long canvass gives opportunities for the corrupt employment of voters, and for bribery in other ways which are objectionable?—I am sure it does; I have a strong opinion that if it had not been for the length of the last canvass in our town, and the opportunities which were thereby afforded of paying the rates of certain voters, of which there were a great number paid; the issue of the election would not have been what it was.

3712. Does your objection to a public nomination apply also to a public declaration of the poll?—No, it does not for this simple reason; that instead of two days we get only one, and in the next place, I think that the electors and others would have a right to expect that there should be a public declaration of the poll: in other words, that the poll books should be cast up publicly on the hustings, and that the returning officer should make that return from the hustings; if it was left to be a private matter it would always be open to the suspicion that somebody or other in the office may have tampered with the books, and I would have the declaration of the poll made in the face of open day and in the eye of light.

3713. You have told us that corrupt treating prevailed extensively at the municipal elections; has that been extended to the Parliamentary elections at Cheltenham?—Not, I think, of late years; I think treating in the Parliamentary elections has somewhat diminished within late years at Cheltenham,

Mr. *H. Davies.*

27 April 1869.

3714. Has bribery, by the payment of money, been practised at the Parliamentary elections?—I do not think it has extensively; that it may have been by friends of the candidates, through acts of indiscretion, I think is highly probable; indeed, it always must be; but I feel persuaded that the thing has not been in any way encouraged by the parties actually interested in the elections.

3715. Has intimidation been practised to any great extent?—No; I think scarcely at all in reference to the Parliamentary elections, but as there are no large employers of labour in the town, there is not much intimidation, I think, in the Parliamentary elections exercised in Cheltenham.

3716. With regard to the municipal elections, you spoke of intimidation by crowds of people collected at the polling places?—Yes; that is a very serious evil, but that does not exist to the same extent in the Parliamentary elections, and for this reason: in the Parliamentary elections, you are enabled to separate the people by having polling booths in different parts of the town, the Act providing that not more than 500 electors shall ever poll at one booth; that of course scatters them. There has been a good deal of mobbing occasionally by roughs, but nothing, I think, to be made a matter of very serious complaint against us.

3717. Can you suggest any improvement in the mode of voting at the Parliamentary elections?—No; I know of nothing except the present mode; I can suggest none whatever. I do not think you can adopt any better system, if you put it under better regulation and restraint than the system which we have at present, of every man going up, giving his vote, and going away when he has done so; that is my own impression of it.

3718. Is there any other statement that you would wish to add to your evidence?—I do not know that I have any; with reference to the last question it just occurs to me that it may have been directed with the view of ascertaining what my feeling was with regard to the ballot; if that was the object of the question, I unhesitatingly state my opinion to be that the ballot would be a premium to bribery.

3719. In what way?—Because I feel satisfied from what I know of that class of men who are in the habit of taking bribes and being corrupted, they would be corrupted by both sides instead of one if you had the vote by ballot, and for this simple reason, that there would be no means of punishing them as there is in open voting; if a man takes a bribe when it is open voting, you can prove that he has voted, but you could not bring the thing home to him if he voted secretly by ballot.

3720. You think that the dread of discovery is the main difficulty in the way of those men who wish to take bribes?—Yes, I feel persuaded it is; but there is a description of bribery which takes place at elections which I do not think the law of the country has provided for, that is the bribery which is practised in order to obtain evidence for the conviction when the petitions are presented; I am persuaded, and indeed I know one case where a man was hired by the other side to go and commit acts of bribery which unseated a Member, and there was no punishment that I am aware of for him.

3721. *Chairman.*] You were not able to prove that?—We could not prove it in time, and consequently we had to pay the penalty; if we had had to go through the same thing 18 months after we should have proved it. Then there is another thing which I would mention, even in the last election petition which was presented against the sitting Member, without any foundation whatever, so far as the evidence showed, from a man who went over purposely from the side of the Member, and gave a false statement in order to mislead the party who desired to petition; he made statements which he declared were facts, but when they came to be examined they proved to be falsehoods.

3722. Was he induced to do this by any offer of reward on the part of the Petitioner?—I believe there was an engagement that in case the petition succeeded he was to be paid a certain sum of money; I do not know what, but there was an engagement of that kind, that if his evidence was such as to unseat the Member he should be paid a certain sum of money. I am satisfied that there are many gentlemen exposed to Parliamentary petitions for acts done by persons who are bribed by the other side to go and commit them under pretence of being friends of the candidate.

3723. *Chairman.*] Are you giving that as your opinion merely, or are you speaking of facts which you are in a position to prove?—I am giving an opinion certainly founded on fact.

3724. Sir *Michael Hicks Beach.*] Founded on the fact which you have stated?—On the facts which I have stated here, which have come within my knowledge.

3725. Sir *George Grey.*] Was agency proved in that case, or was the Member unseated without any proof of agency?—In the case I allude to the agent happened to be one of the persons employed to go round with the candidate from house to house to show him the voters; he was a man in low life, but a man who very well knew everybody in the district in which he was, and his having been seen canvassing with the candidate made him an agent, and the candidate had to pay the penalty. That man was in secret communication all the time with the other side.

3726. Mr. *Edward Egerton.*] Have you known any instances of prosecutions for personation at Cheltenham?—They have never been carried home.

3727. Have they been commenced?—Yes.

3728. Did I rightly understand you to say that they were discontinued from want of funds, in consequence of the expensive nature of the proceedings?—Yes, and the apprehension of a protracted litigation and liabilities.

3729. Under Sturges Bourne's Act, property is more largely represented than in the ordinary way, is it not?—Yes, very much so.

3730. And you find still that that class of men is what you call of a very low order, notwithstanding Sturges Bourne's Act?—The lower the class of men the fewer their votes are, of course, because they are not qualified to give more than one vote.

3731. I presume in each ward there is generally a mixture of respectable inhabitants and persons of the lower class?—Yes, more or less, in all of them.

3732. Have they ever attempted to get rid of Sturges Bourne's Act, and bring themselves under the general law?—No, they have not.

3733. Mr. *Raikes.*] You say you think it would be a protection to the candidates if more stringent

stringent measures were adopted for punishing persons who are guilty themselves of bribery personally?—Yes, I do certainly think so.

3734. You want to protect them against any such insidious proceedings as you have referred to; do you think it would also protect them, in some degree, against over-zealous friends?—No, I think you could not legislate upon a matter of that kind.

3735. Do you not think that the punishment of the man who gives a bribe would prevent persons, who are now sincerely attached to the cause of the candidate for whom they are canvassing, from doing anything illegal if they felt that they would themselves suffer the penalty for it?—It is most likely it would, and if there was a public prosecutor, I have no doubt it would operate very powerfully in that way.

3736. Do you not think it would be a good thing if the judge at an election inquiry had the power at once of committing for trial any persons who were proved to have been guilty of bribery at an election?—Yes, I think that would have a deterrent effect; that is my impression.

3737. You said some time ago, that you detected the presiding officers, in some of those elections for commissioners, of misconduct in refusing to take good votes and in taking bad ones. What would be the functions of the presiding officer at the election of those commissioners?—To receive the voting paper and record it in the poll-book.

3738. Is he assisted by a clerk?—He is assisted by a clerk.

3739. And he orders the clerk to enter, or not to enter, the vote?—Yes, according as he may think proper.

3740. How did you discover those cases of misconduct; what evidence had you?—We had the evidence of the voting papers which were there, and the rate-book, which determined the qualification at once.

3741. But I understand that the voting papers in some cases were rejected?—Yes.

3742. How did you find it out in those cases where the voting paper was not there?—By receiving from the parties whose votes were rejected the evidence of the fact of the voting papers which were rejected, which were produced. They brought their papers to show that those papers ought to have been polled; and if they had been polled they would have been in our possession.

3743. In a system of secret voting, supposing that voters had tendered their votes, and that persons in the position of those presiding officers had subsequently tampered with them under a political basis, you would not have been able, would you, to obtain any information of that sort?—Of course we should not.

3744. And those persons would not have known what had been done with their votes?—No.

3745. Has it occurred on more than one occasion that those presiding officers have been guilty of misconduct?—We have only had the inquiry to which I have last alluded, but that it has existed on previous occasions I think is very possible.

3746. What do you think would be the effect if, in those elections where you have voting papers, the persons did not come to the booth to tender their votes, but somebody was sent round by the returning officer to collect them at their own houses?—I think that the paper would be tampered with over night in all those districts of the town where the very poor and very illiterate classes live, and the papers would just represent the opinions of the man that was sent round to fill them up and sign them.

3747. But it would have the effect, would it not, of diminishing this intimidation and violence?—Of course there would be no polling booths in that case, and, therefore, the thing could not occur.

3748. Therefore, order would be better preserved in the town?—Yes, but the papers would be collected over night by a political partisan, and they would be sent the next morning ready filled up to be given to the collector who came round, as in the case of the elections of guardians. The voting papers for guardians, to my knowledge, are constantly tampered with by scores.

3749. Mr. *Villiers.*] I do not understand for what reason you believe that, if the Parliamentary constituency and the municipal were made the same, it would raise the character of the municipal constituency?—It would raise it in this way: you would have an ascertained class entitled to vote, and you would get rid of all that class who could not upon the Parliamentary register establish their title to vote, of which there are a great number in towns like ours, and must be certainly in others, who are disqualified either from the receipt of pauper relief or from a great variety of causes, or who do not pay their rates, or do not pay their rents; all that lowest stratum of society is eliminated even now out of the Parliamentary register by the revision court.

3750. But all you mean to say is that there is some care in revising the lists for Parliamentary voters, and very little for the municipal?—Yes, that is so.

3751. But is there not a revision of the municipal list?—There is a revision, undoubtedly.

3752. But you mean that it is an imperfect one?—Yes, much more so than the Parliamentary one.

3753. Do you believe that a great number of people get on that list who are disqualified?—Yes; that would not be qualified to come on to the Parliamentary register.

3754. What is your idea of the qualification to be on the Parliamentary register?—The qualification is established now by law, that a man who pays his rates should come on there, provided he has lived the necessary time, held possession long enough, and has not received pauper relief.

3755. What is the qualification for a municipal voter?—I can scarcely tell you, not being in a municipal borough.

3756. What is the qualification for a voter for the commissioners?—The qualification is the payment of the borough rate for one year, no matter how small.

3757. And no qualification of residence?—A residence of one year, the same as the Parliamentary, in point of fact, though differently dated.

3758. But it is not the payment of the poor rate?—No, not the payment of the poor rate.

3759. Is the borough rate less than the poor rate?—They are about equal in our borough, but there are a great many people who pay the borough rate who do not pay the poor rate, and who are excused by the magistrate from it.

Mr. *H. Davies.*

27 April 1869.

3760. What I want to ask you is, whether there is any difference between the borough qualification and the Parliamentary; you stated that a Parliamentary voter is obliged to pay the poor rate, and a municipal voter is obliged to pay the borough rate; is the borough rate higher than the poor rate?—They are about the same.

3761. Then the qualification of the two are the same now?—Yes.

3762. But there is some little more attention paid to the registration of Parliamentary voters than there is to the municipal?—Yes, very much more, I think.

3763. You would hardly expect much difference, would you, in the character of the voters, if the revision was more perfect for the municipal, because it is the same qualification, is it not?—It may be the same qualification, but it diminishes the numbers very materially; in our own borough particularly, you have a much larger constituency for the municipality, from various causes, than you have for the Parliamentary register.

3764. What is the number of voters for your municipality?—I do not know that I can tell the number of voters actually; I can tell the number who probably voted in each ward; we have in our borough 8,436 assessments; I will not say that there would be voters for all those assessments, but there would be voters for 7,000 of them.

3765. You say, do you not, that both sexes vote?—Yes.

3766. Whoever pays the rate votes?—Yes.

3767. How many voters have you on the Parliamentary register?—Our present Parliamentary register is 3,246, or with the incorporated district of Leckhampton, 3,533.

3768. Are the Parliamentary and municipal boundaries conterminous?—Yes, except that there was a district added by the late Boundary Act to the Parliamentary borough.

3769. Then the Parliamentary borough has wider boundaries than the other?—Yes, to that extent.

3770. Do we understand you to say that those municipal voters, or a large proportion of them, are corrupt, or are ready to receive payment or look for treating?—In two of the wards, the East and the North Wards, that is so to a very large extent, and in the South Ward also, I am sorry to say, owing to the character of the lower classes of the population, who have grown into the habit of expecting beer tickets for voting.

3771. Somebody gives them a beer ticket?—Yes; the candidate has one or two persons whom he employs, and he gives a beer ticket to a man directly he has voted.

3772. What class of life is he in generally?—He is, perhaps, a little above the class who take the tickets, perhaps one of themselves.

3773. To what class of life do those commissioners belong?—They are tradesmen in the town, and some professional gentlemen.

3774. Is there much difference between the morality of the candidate and that of the voter, when the one receives and the other pays?—That is a question of a very sweeping character. I should say that in some cases they are as far apart as it is possible to conceive, but in another they may very nearly approximate.

3775. If you are proposing to remedy that evil, surely you must see who are the parties to it, and you must provide a punishment for the man who pays as well as for the man who receives, must you not?—Yes.

3776. The opinion generally in Cheltenham is, that the man who pays is not guilty, is it not?—No; on the contrary, I think the opinion is that he is as guilty as the man who receives.

3777. But he does not suffer from that opinion, does he?—No, he does not, because of the defective machinery of the law as I have already stated.

3778. He is not thought the less respectable if he succeeds, is he?—No, because it has become of late years a habit there.

3779. On the part of the rich as well as the poor?—On the part of those who desire the seat and give those beer tickets.

3780. In order to get the seat they are ready to pay?—Yes.

3781. And they must have means, must they not, to do that?—Yes.

3782. And they belong to the respectable class?—Yes.

3783. And those same people, I suppose, are open to this bribery at the Parliamentary elections; they are the same class, are they not?—Yes; but there are a great number of them, as I stated just now, who cannot possibly come upon the Parliamentary register because of their condition in life.

3784. That is to say, they do not pay the borough rate?—They do not pay the borough rate; they are constantly shifting from house to house; they have no abiding place, and their habits of life are such that, from a variety of causes, they cannot come upon the Parliamentary register, but they come to vote for the commissioners.

3785. But there is no inquiry into their moral character when they are put upon the register?—No, I do not suppose there is.

3786. If a man pays the poor rate, that does not make him an honest man at once?—No, I do not suppose that that was the intention of the Act.

3787. There are a very poor class of voters that get upon the register, are there not?—Yes.

3788. Are not they rather exposed to those bribes that the rich people offer them?—They would be, no doubt; and no doubt there are some instances, as I said, in which zealous friends will offer bribes, and the necessities of the poor people induce them to accept them.

3789. Do you think that you can ever put down bribery if you make it shameful on the part of the person who offers the bribe?—I think that that will go a very far way to do it.

3790. You have not gone very far yet at Cheltenham, have you?—No, we have not.

3791. Mr. *Bright.*] Is there amongst the tradespeople in Cheltenham much pressure at the time of the election for their votes?—No, I think very little.

3792. Is that the case on both sides?—On both sides; I do not think it is sought to be exercised; nor do I think that if it were sought it would be of much avail amongst the respectable tradespeople of the town.

3793. But amongst very small shopkeepers do you think there is much pressure from their customers when they are about to decide for whom they will vote?—I do not think so with us; I do not

not think that that is carried to any extent; each man exercises the utmost moral suasion that he can to induce such a person as you allude to to vote, but beyond that moral suasion I do not think they go. Although I could quote some instances of coercion in the course of my experience, still they are altogether of an exceptional character; I do not think that the tradesmen are at all coerced with us beyond the amount of moral suasion that I speak of.

3794. Are there many of them who do not vote at all?—Yes; there are a small proportion of them who do not vote; but only a small proportion of them.

3795. Would you suppose that that arises occasionally from the pressure of customers on both sides?—In some instances it arises from an apprehension that they might give offence to some of their customers on one side or the other.

3796. And if there be any one case of known pressure, or submission to it, does that affect the opinions of others and create apprehensions?—No; on the contrary, I think that it rather begets a recoil of feeling; that is my own experience of it. Where coercion has been exercised there has been a feeling of indignation against it, and it has rather benefited than injured the party coerced.

3797. Amongst those shopkeepers who abstain from voting, are there to be found the smaller shopkeepers or the larger ones?—Probably there is about an equal proportion of each. I do not think that you could select either as being predominant; the number is not very large amongst them all. A good many people who have no politics of their own at all will vote, of course, to oblige their customers.

3798. You have expressed a rather strong opinion against the practice of nomination at the hustings; do you think that that opinion which you entertain is one shared by a great many persons of both sides in politics in your town?—I think it is. As far as conversation with them would enable me to judge, I think that they would generally be glad to get rid of the nomination proceedings as being very demoralising, generally speaking.

3799. Mr. *Hunt.*] Is there much mob intimidation at the elections at Cheltenham?—I do not think that there is any intimidation at all except that which arises at the polling-booth from men who are employed, or if not employed, who volunteer to go (I am speaking now of the municipal election) to prevent the voters coming up.

3800. Does that kind of intimidation prevent voters from giving their votes?—In the municipal elections it prevents a great number of the better class of people, particularly gentlemen who are timid, or who are elderly, or who are infirm, from some cause or other, and who will not go through the crowd to get up to the booth.

3801. Do you find that the female electors take much interest in the elections?—The upper classes of female electors take no interest whatever in our municipal elections; they only vote because they are solicited to vote, and know the candidates; I do not think that any of them would come to vote of their own accord; I scarcely think so, but I cannot say as to the lower orders; since those beer tickets have become the fashion, the ladies of the lower orders like to follow the fashion, and there are a great number of voters now of the lower orders of women who do vote at the municipal elections.

3802. In consideration of the beer tickets?—Yes, in consideration of the beer tickets; ladies generally are deterred from voting by the crowds around the polling booth.

3803. Has that had a demoralising effect upon the female character in your borough?—I think it has had a very demoralising effect; a woman will come up sometimes and poll half a dozen times in the day for half a dozen tickets.

3804. Mr. *Gathorne Hardy.*] I understand that you are in favour of candidates being nominated before the issuing of the writ, but not being allowed to take any steps until the writ issues?—Yes, I am in favour of the candidate not canvassing until the writ is issued.

3805. Do you think that it would be possible to nominate a candidate a fortnight, or a month, before the election?—Yes.

3806. And then the candidate would come down to canvass?—Yes, he might.

3807. Supposing when the candidates come to be examined you found that you had got a man of rather a shaky character, would you not allow some one to be nominated in his place?—If there were a pre-nomination, such as I have anticipated as possible, I think that is a case which would not occur; but the converse would very often occur, that many men would be nominated as candidates, and when they saw who were set up, the weaker would retire and the stronger would remain, and we should then have the power of selection, and probably be enabled to take the best man.

3808. Does not it now very frequently happen that if a candidate comes forward, and upon testing the electors finds that he is not strong enough to win the election, he is succeeded by some candidate who is?—That, no doubt, occasionally occurs; it must under the existing system.

3809. Has it not happened within your own knowledge that even at the last moment a candidate has been put up who has come in at the head of the poll, far beyond any other that had been there before?—Yes, that has occurred.

3810. Do not you think that the electors are entitled to have a free choice in the election of their representatives?—Yes, decidedly; but I do not see that the freedom is destroyed by the circumstance of the candidate being nominated a fortnight before the election; the last hour comes whether it is for the nomination or whether it is for the polling.

3811. Candidates generally come forward now a certain period before the election, whereas the other instances are rare; but have you not known many instances where upon a canvass it has been ascertained that the candidates who are put forward are sometimes not any of them such as the electors will take?—That may have occurred.

3812. Would it not cripple the free choice of the electors to tie them down to the other candidates who were nominated only a fortnight before, and who had not been allowed to canvass at that time?—I cannot see that exactly.

3813. You would have those gentlemen nominated by one or more persons, by two persons probably?—Yes, by two householders certainly.

3814. That day having passed, everybody else in the borough would be precluded from nominating a candidate?—Yes; precisely as the day having

Mr. *H. Davies.*

27 April 1869.

having passed on the hustings, everybody else is precluded from nominating after.

3815. On that particular day?—Yes; there is one day, and that must come to an end; the last day is the last day, whether it is the last day of the nomination in writing or on the hustings.

3816. Sir *George Grey.*] Your nomination-day is the day of the election, is it not?—If there be no poll, of course it is the day of the election.

3817. Therefore, is it not the case at present that any elector is competent to nominate a candidate up to the day fixed for the actual election?—Up to the day of the nomination.

3818. That is the day fixed for the actual election, is it not?—Yes.

3819. Is not notice given that the election will be held on a certain day?—Yes.

3820. And on that day the nomination takes place?—Yes.

3821. Take the case of a dissolution of Parliament, which is expected, and which is known will take place many months before; would you prevent the constituency looking out for a fit man, and presenting a requisition to him to stand for the county or borough before the actual writ was issued?—No; I would allow them to look out for candidates up to the day of the nomination, but the day of the nomination should be the day that they send in the nomination to the returning officer, and not as at present, the day before the polling.

3822. You stated, did you not, that you would preclude a person from canvassing or holding public meetings until the writ had actually issued?—Yes; but that had reference to another part of the case. I would not allow the candidate to disturb the constituency for a longer period than was actually necessary, and I would limit that time so that it should be a month, or it should be a fortnight, or whatever the Legislature might think proper, previous to which no public meeting should be held in the town for political purposes by the candidates, and the candidates should not by themselves or their agents canvass; that is my own impression of it.

3823. Sir *Michael Hicks Beach.*] Do the higher class of resident gentry of Cheltenham interest themselves in the Parliamentary elections in the borough?—Comparatively few of them; there are some few parties, or perhaps a good many of the higher classes, who interest themselves in the Parliamentary elections, although they take none in the municipal elections, or very little.

3824. Sir *George Grey.*] Was the constituency nearly polled out at the last Parliamentary election?—There voted 3,104 out of 3,533.

3825. It would appear from that that a very small proportion of the inhabitants of Cheltenham take but little interest in the election?—All polled within 400: when absentees and unwilling ones are counted, the constituency was nearly polled out.

3826. Sir *Michael Hicks Beach.*] It was the season of the year when Cheltenham was full, was it not?—Yes.

3827. Mr. *Bright.*] Did the lodger clause in the Act of two years ago act upon the constituency of Cheltenham?—Very slightly indeed, for the simple reason that lodgers change very frequently, and that very objectionable mode prescribed by the Act, that they shall not only make their claim, but come down personally to establish it, whether it be objected to or not, made that portion of the Act almost inoperative with us. People claimed, but when they found that they had to come down and attend the revising court, whether they were objected to or not, perhaps waiting three hours there, comparatively very few came down to establish their votes. If their claims were admitted in the way they are admitted in the county elections, subject to objection, I think that a good many of them would come.

Mr. James Kirk, called in; and Examined.

Mr. *J. Kirk.*

3828. *Chairman.*] You are Mayor of Staleybridge, I believe?—Yes.

3829. Have you been a member of the council for some time?—Yes, about seven or eight years I have been a member of the council.

3830. Have you been mayor before this year?—Yes, this is my second year.

3831. Has your attention been called to the evidence which was given before this Committee by Mr. Stanley?—I have seen it in the newspaper only.

3832. Are there any observations upon it which you wish to make to the Committee?—Yes. Mr. Stanley said that at the contested municipal elections a great deal of intimidation and treating prevailed. I differ from him entirely; I think that at our municipal contests the treating and intimidation prevailed to a very limited extent indeed on both sides. Mr. Stanley also said that at the last Parliamentary contest some railway workmen were discharged from their employ for voting for the Liberal candidate. I hold in my hand a document sent to me this morning from the station-master of Staleybridge, and he allows me to hand it in as evidence, refuting the charge of any persons in the employ of the railway company in Staleybridge having been discharged for voting for the Liberal candidate. It is as follows: "We, the undersigned, being employés of the railway company at the Staleybridge station, having read a statement made by Mr. Robert Stanley before a Committee of the House of Commons, that at the Parliamentary election there had been intimidation of railway workmen, and that such intimidation was used on behalf of the Liberal party, beg to state that so far as we are concerned, no attempt was made to intimidate or coerce us, and that the statement made by Mr. Stanley is not correct. (signed) James Barker, inspector; Joseph Andrew, porter; Henry Ashton, goods porter; Abraham Hall Good, porter; Thomas Wade, carter; Edward Booth, carter; Frederick Binns, pointsman; Solomon Norminton, porter; Henry Appleyard, porter; Robert Bromley, pointsman. The above signatures represent the whole of the staff of men employed at this station, who were entitled to vote at the late election, two of whom were neutral; three voted Liberal, and six Tory. Stalybridge, 26th April 1869." Mr. Stanley also made another charge, that the members of the town council had canvassed the employés of the corporation, accompanied by the town clerk; I am in a position to state that I do not believe that members of the council have ever canvassed the employés, and

and I am certain that the town clerk has taken no such part, because he has carefully abstained from showing which party he sympathises with. That statement is utterly incorrect. Mr. Stanley in the following day's paper, wrote correcting his evidence so far as it affected the town clerk, and he said that he either said or should have said the borough surveyor. I believe myself that the borough surveyor has never canvassed the employés, and if I must give my own opinion from conversation with the borough surveyor, I believe that his leanings are more with the Conservative side than with the Liberal. Mr. Stanley also said that some of the servants of the corporation were discharged because they would not vote for the Liberal candidate at the Parliamentary election; I am in a position to give that a direct and positive denial. I think that about three-fourths of the servants of the corporation voted for the Conservative candidate; and, with one exception, they are all still in the employ of the corporation. We have discharged one man since, because we had not sufficient employment for him. He was occupied upon a spare piece of ground belonging to the corporation, used for the purpose of tipping cart loads of dirt; but we found that there was not sufficient money coming in weekly from the tipping to pay his week's wages, and we discharged the man in consequence; he is the only servant of the corporation who has been discharged since the election.

3833. Has any one been put in his place?—No.

3834. Are those all the observations that you have to make upon Mr. Stanley's evidence?—I see in the paper that when he was examined by Mr. Egerton, he said that the intimidation was nearly all on one side, but the result showed that that did not answer, because the present member was returned by a majority of 327. In reply to that remark, I have to say that the principal employers of labour in Staleybridge were nearly all of them on the side of the Liberal candidate, and if they had used that intimidation which Mr. Stanley charges them with, I should have thought myself that the result must have been different.

3835. You said that you had not reason to believe that great intimidation or treating has prevailed lately, in the municipal elections?—Yes, I do state that.

3836. Have you ever had any contest yourself?—Yes, I contested three wards successively, and was defeated three years successively.

3837. Can you tell the Committee what amount your election has cost?—I cannot tax my memory correctly, but I should think that perhaps the first contest cost me about 30 *l.* or 40 *l.* In the second contest, I think, if I recollect rightly, the whole of the wards in the town were contested, and the party that I was connected with, I think, paid about 230 *l.* or 240 *l.* for the whole of the town. The town is divided into three wards.

3838. And those sums, you think, would not provide for any extensive corrupt practice?—No, I do not think that there was any corrupt practice on either side.

3839. At the same time you say that you have always been defeated?—I have contested three wards and have been defeated, but I have succeeded since, or else I could not have been the mayor of the borough. The fourth time that I contested the ward I was successful.

3840. Do you know at all what sum of money has been spent by the opposite party in any of those contests?—I am not in a position to make any statement about that.

3841. Can you state positively to the Committee that no such practice prevails in Staleybridge as the payment of sums of money nominally for the loss of a day's wages?—Something of that sort came out in the evidence before Mr. Justice Blackburn, upon the Staleybridge petition, but beyond that I do not know anything.

3842. Is there no appearance in Staleybridge at the time of the municipal election, of more drinking going on than usual?—There is a little more, but not to any great extent.

3843. Have you no reason to believe that the expense of that is paid by the candidates?—I think that is usually paid by the committees subscribing according as they think proper.

3844. When you say that corrupt practices do not prevail, do you mean only that they are not countenanced by the candidates, or do you mean that corrupt practices do prevail, but that the expenses are paid by the committees?—I say that corrupt practices do not prevail to any great extent.

3845. Still there is drinking?—There is some drinking on both sides, which is paid for by the committees, I believe, in both instances.

3846. Where are the committees held in the municipal elections?—They are held very frequently at public-houses.

3847. It was stated to the Committee, that committees "were held at different public-houses, and those committees made it a habit of getting voters on the other side in, that they thought could be influenced by drink, and treating them, and so on, and persuading them over to support their side"; do you believe that that practice has prevailed, or not?—No; I do not think it does to any great extent.

3848. You do not deny that such things have been done?—No, I do not.

3849. But you say that, in your opinion, they have not prevailed to a great extent?—Certainly not, to a great extent; I wish to add one other remark; Mr. Stanley said that the intimidation was all upon one side; the contest in Staleybridge lasted from August till the close of November, and I should think that during the greater part of that time we laid under a perfect reign of terror. There was a strong party in the borough of Staleybridge composed principally of non-voters, young men, who professed to have strong Orange sympathies and ultra Protestant opinions, and they were constantly holding meetings nightly, and terrifying the inhabitants. We have had riots in Staleybridge as the result of those large monster gatherings.

3850. In what manner did they terrify the inhabitants?—By processions through the town, hooting people who differed from them in opinion, and threatening to break the windows of houses.

3851. Did they break them?—They broke the windows of the Catholic chapel.

3852. Mr. *Bright.*] Was a person named Murphy delivering lectures at Staleybridge?—He delivered several lectures at the election on the 9th of November, the last year but one, and in a fortnight after Murphy and his party came into the town, and till within the last three or four weeks one of their lecturers has been living there ever since.

3853. Do you think that that excited much ill-feeling

Mr. *J. Kirk.*

27 April 1869.

feeling between the English and the Irish population?—Yes, a great deal of ill-feeling.

3854. *Chairman.*] You belong to the Liberal party?—Yes, I belong to the Liberal party.

3855. Did you hear anything at the time of the last election of the Anti-Screw Association?—Yes, I heard of it, by seeing placards in the windows and on the walls; I do not know anything beyond that.

3856. Do you know what was the object of that association?—I think it was a political move on the part of the Conservative party to attract attention and to create excitement.

3857. Do you know what it professed to do?—Yes, I know what it professed to do, but I do not know whether it did it or not; I do not know anything about its working.

3858. Do you believe that there was no occasion for the formation of such an association?—Yes.

3859. Can you speak from your own knowledge, as to whether the facts mentioned to the Committee by Mr. Stanley as to the number of persons who had been turned out of their employ on account of their political opinions are correct or not?—No, I cannot speak to that.

3860. Do you think it probable that a considerable number of persons were turned out for voting contrary to the wishes of their employers?—No, I do not think so.

3861. But you have known of such things being done, I suppose, on both sides?—I have known it to be charged to both sides.

3862. Mr. *Bright.*] Do you know any actual fact?—No, I do not.

3863. *Chairman.*] In what business are you?—I am a cotton spinner.

3864. Do you think that if such proceedings had been going on, that if men were turned off to any great extent for voting against the wishes of their employers, that fact would have come under your notice?—Yes, I should think so.

3865. What were the directions which you gave to your own overseers?—I did not interfere at all in the election, in any shape or form. I have taken an entirely neutral position since I became mayor. I know that we had many who voted for the Conservative candidates, and they are working there still.

3866. Is there any other statement which you wish to make?—I simply wish to add that so alarmed was my wife at the state of the town that eight weeks before the election she left in terror.

3867. Mr. *Hunt.*] Have you many partners?—Two partners.

3868. Are they both Liberals?—Yes, they are both Liberals.

3869. Mr. *Gathorne Hardy.*] I understand you to say that your expenses in the first election were 30*l.* or 40*l.*; can you tell me what the items of that expenditure were?—I think it was principally the hire of committee-rooms, and there was some payment of public-house bills amongst them.

3870. Then a part of that was probably spent in treating?—Yes, I do not deny that treating to a certain extent did prevail.

3871. In addition to your expenditure, there is an expenditure, as I understand you, generally on the part of committees?—Yes, on both sides.

3872. On both sides there is a committee who subscribe together, and they also come upon the candidate for a portion of the expenses?—Yes, that is so on one side, however.

3873. Did your expenditure increase at the subsequent elections over the first?—No, it was about the same sum.

3874. How many wards are there in Staleybridge?—There are only three wards.

3875. The expenditure at the last election was about 240*l.*?—Yes, something like that.

3876. That would be more than what you spent?—Yes, that would be more; it was a very long contest.

3877. Mr. *Edward Egerton.*] What is the name of your partner?—Mr. Marsland.

3878. Have you not another partner of the name of Wagstaff?—No, Mr. Wagstaff is my uncle; he is dead.

3879. But your partner, Mr. Marsland, took a very active part, did he not, in the late election?—Yes, I think he did.

3880. In your mills there were there placards put up, "Vote for Buckley, the Liberal candidate"?—There were placards at the entrance.

3881. You told the Chairman that there were no workmen discharged from your mill for voting; of course you, as mayor, took no part in the election?—No, I did not.

3882. But your partner did?—Yes.

3883. Do you know that of your own knowledge?—Yes.

3884. Do you happen to know a man of the name of Charnock, a workman in your mill?—Yes.

3885. Was not he discharged for voting for Mr. Sidebottom?—No; he was dismissed for incompetency.

3886. Do you know any other men who were dismissed?—No.

3887. Do you know a man of the name of Holdsworth?—Yes.

3888. Was he a workman in your mill?—Yes.

3889. Was he discharged?—If he was, it has been lately.

3890. Is he in your employ now?—I cannot speak to that; I think not, but I do not know.

3891. Have you not parted with several of your workmen since the election?—Yes, we have parted with several; we sometimes part with two or three a week.

3892. But do you not know as a fact, that out of the several men that have left your employ, many of them voted for Mr. Sidebottom, the Conservative candidate?—They voted both ways, I think.

3893. But I ask you with regard to those who were discharged?—I am speaking of those who were discharged.

3894. I ask you now whether you do not know of your own knowledge that many of those who were discharged voted for Mr. Sidebottom?—Yes, I know that Charnock voted for Mr. Sidebottom.

3895. And he was discharged?—Yes.

3896. You say for incompetence?—Yes; he has been found drunk at his work.

3897. What was Holdsworth discharged for?—I do not know; I cannot speak to that.

3898. Do you know a man of the name of Rowe?—No.

3899. Do you take an active part in the mill?—No, I do not at present.

3900. Have you always taken an active part in

in the Liberal elections?—Yes, I have in the municipal elections.

3901. You have always been an active partisan on that side?—Yes.

3902. You have expressed your opinions pretty strongly, have you not?—Yes, frequently at the municipal elections.

3903. You are well known to be an active partisan in Staleybridge?—I am well known to be a strong Liberal in Staleybridge.

3904. You come here, do you not, in consequence of reading Mr. Stanley's evidence?—Yes; I should not have come here but for that.

3905. Did you come to London on purpose?—No; I have been in London on other business; I should not have come on purpose if I had been in Staleybridge.

3906. I understand you to state to the Committee that you think there was no intimidation on the part of the Liberal party?—Yes.

3907. You state that as your positive opinion?—Yes.

3908. Mr. *Fawcett.*] You speak of a reign of terror existing in Staleybridge; that implies intimidation, does it not?—Yes, I think so.

3909. Then, your allegation is that the intimidation was only on one side?—No, I did not say that positively; I said that the reign of terror was in consequence of Murphyite lectures creating an excitement.

3910. But if there was a reign of terror, by whatever cause it was produced, there must have been considerable intimidation?—Yes.

3911. Therefore, you did not quite express your meaning when you said that intimidation did not exist to any great extent?—I said that those people terrified the inhabitants of the town on both sides.

3912. If a reign of terror exists throughout a town, can you correctly describe the state of that town, by saying that there is not much intimidation in it?—There must have been a great deal of intimidation, but that was long before the election.

3913. As far as I understand you, this reign of terror began a considerable time before the election, and lasted up to the time of the election?—Yes.

3914. Then, if that is the case, if the reign of terror existed for a long time, and lasted up to the time of the election, are you correct in saying that there was not much intimidation?—There must have been a great deal of intimidation on the part of that party.

3915. I understood you just now to state that intimidation did not exist to any great extent?—I was speaking then of the municipal elections, I did not speak of the Parliamentary elections. When I spoke of intimidation I spoke of the municipal contests.

3916. Then I am to understand you to give it as your opinion that in the Parliamentary election there was great intimidation?—Yes, by the Murphyite party.

3917. You spoke of committees being held in the municipal elections at public-houses, were the committees held in the Parliamentary elections at public-houses?—Yes, mostly.

3918. There is considerable treating in the Parliamentary elections, is there?—Yes.

3919. Do you think that if a law were passed forbidding committees being held at public-houses that treating would be diminished?—I should like to see a law of that kind passed.

3920. Do you think that the effect would be to diminish treating?—I think it would.

3921. What were the expenses of the last Parliamentary election which would come under your cognisance as returning officer?—Mr. Buckley's expenses were 954 *l.* 17 *s.* 6 *d.*, and Mr. Sidebottom's were 721 *l.* 6 *s.*

3922. From your general knowledge should you think that that represented the whole amount that was spent either by the candidates or on behalf of the candidates?—I cannot speak to that.

3923. Can you give the items of those expenses?—No.

3924. Do you think that any portion of that was spent in treating?—I do not know that; Mr. Buckley's expenses were, returning officer's expenses, 96 *l.*; F. Clayton, 100 *l.*; that was the election agent's wages; F. Clayton, 158 *l.* 13 *s.* 2 *d.*

3925. Were vouchers of that item sent in to you?—Yes.

3926. Have you any idea how that large amount was spent in wages?—No, I do not exactly know.

3927. Mr. *Edward Egerton,*] But you had some account, of course; you did not pass that, as mayor, without any explanation, did you?—I do not remember what the vouchers in either case came to.

3928. Mr. *Fawcett.*] As the returning officer, have you not any idea what this 158 *l.*, described as wages, was spent upon?—I should think myself that it was wages to canvassers, but I do not know.

3929. You never took the trouble to inquire?—No, I did not.

3930. Then you simply took the items, but you knew nothing about them?—I did not.

3931. As far as you know, they might have been spent illegally?—I do not know how they were spent.

3932. What is the next item?—Hire of committee-rooms, 64 *l.* 8 *s.* 5 *d.*

3933. Do you know from the vouchers whether those committee-rooms were at public-houses?—No, they were not all at public-houses.

3934. Were many of them?—Several of them were.

3935. What is the next item?—Cabs, 59 *l.* 19 *s.* 6 *d.*

3936. That is an illegal expenditure, is it not?—I cannot say; in the case of the other candidates, the cab hire was nearly the same, 52 *l.*

3937. Then the cabs that were used before the election came to 59 *l.* 19 *s.* 6 *d.*?—I suppose it was before; I do not know.

3938. What is the next item?—Printing, &c., 280 *l.* 9 *s.* 10 *d.*; boards for placards, 20 *l.* 3 *s.* 10 *d.*; bill-posting, 14 *l.* 15 *s.*; miscellaneous, 14 *l.* 11 *s.* 4 *d.* I will now read the statement of Mr. Sidebottom's expenses: advertisements, 30 *l.* 8 *s.* 6 *d.*; agents, 21 *l.*; bill-posting, &c., 6 *l.* 4 *s.* 6 *d.*; cab hire, 52 *l.* 11 *s.*; canvassing books, preparation thereof, clerks and messengers, 155 *l.* 18 *s.*; furniture and fitments, 35 *l.* 12 *s.* 7½ *d.*; printing and stationery, 162 *l.* 12 *s.* 1 *d.*; proportion of returning officer's expenses, 96 *l.*, town clerk's fee for return, 7 *l.*; refreshment for clerks, &c., 75 *l.* 1 *s.* 2½ *d.*; hire of rooms, 24 in number, 28 *l.* 1 *s.* 10 *d.*; miscellaneous, 50 *l.* 16 *s.* 3 *d.*

3939. You say that it would conduce to the purity of elections if committee-rooms were not held at public-houses; do you think that it would conduce to the purity of elections if meetings were not

Mr. *J. Kirk.*

27 April 1869.

not held at public-houses?—Yes, I think it would very much conduce to the purity of elections.

3940. Have you a room large enough in Staleybridge to give the candidates an opportunity of fairly addressing the electors without having recourse to public-houses?—Yes, we have.

3941. Was the last election, in your opinion, at Staleybridge a pure one?—I cannot answer that question exactly.

3942. Do you think many votes were influenced either directly or indirectly by the expenditure of money?—I am not in a position to say that.

3943. Are you in favour of the ballot?—I am strongly in favour of the ballot.

3944. Do you think it would diminish the expenses of elections?—Yes.

3945. Do you think that if you had had the ballot you would not have had that reign of terror?—I cannot say that at all; I do not think the ballot could have prevented Murphy coming.

3946. Have you any opinion about throwing upon the constituency the necessary expenses short of due provision against vexatious contests?—No, I should not myself like the boroughs to pay the expenses of the election.

3947. They do in the municipal elections, do they not?—To a very small extent.

3948. When I say expenses, I mean only to the same extent as in a municipal election; the necessary expenses for hustings and polling booths?—They do that already in a Parliamentary election; the candidates pay it.

3949. In a municipal election the town pays it?—There are two items here of 196 *l.* each; I should not like the borough to be saddled with 200 *l.* for an election.

3950. Why should you not?—I think that they are legitimate expenses belonging to the candidate.

3951. You think that the candidate ought to pay, and not the town?—Yes, I think so.

3952. Mr. *Cross.*] How long has Staleybridge been incorporated as a borough?—I think it was incorporated in 1857.

3953. Have you found many fictitious nominations of councillors under that last Act of Parliament?—No, I have not; I think that the Act of Parliament works very well.

3954. Do you think that the time prescribed by that Act of Parliament for nomination before the day of the election is sufficient?—I do.

3955. Are you of opinion that no inconvenience is felt by the returning officer or anybody else?—No, I do not think there is at all.

3956. Do you think that the clauses of that Act as to bribery had any effect?—No, I think not.

3957. Is there much personation in Staleybridge?—No, not to a great extent.

3958. Have you had no proceedings for personation under that Act of Parliament?—I do not recollect any, there may have been, but they have escaped my memory at present if there have been.

3959. Mr. *James.*] From your own knowledge were cabs employed at the election in the conveyance of voters?—I think not.

3960. You think that those cabs were for canvassers, or for messengers, before the election?—I do not think that cabs conveyed voters.

3961. What sort of a nomination did you have; had the Murphy feeling become allayed?—No, it was very strong up to the close of the election.

3962. On the day of the nomination, and the day of the polling, was there any such riot as prevented persons from voting?—No.

3963. Do you think it had any influence with them?—I think everybody could have voted who wished.

3964. I am speaking not of physical influence merely; but do you think that this rioting had an influence on the one side, or on the other, in preventing persons from voting?—I think some timid people were prevented from voting, but if they had had courage sufficient they might have voted.

3965. Mr. *William Henry Smith.*] How long did the contest last at Staleybridge?—I think they were both of them in the field about August.

3966. Were the expenses which you mentioned expenses lasting over the whole period?—Yes.

3967. Do you believe that the presence of Murphy in Staleybridge was injurious to the Conservative candidates?—No; I think it succeeded in returning the Conservative candidate.

3968. We had evidence last week that Murphy's presence there was injurious to the Conservative candidate; you are not of that opinion?—I think the very reverse.

3969. In favour of the Conservative candidate?—The Murphyite party were strongly in favour of the Conservative candidate.

3970. Intimidation was practised on both sides, you say, in the Parliamentary contest?—I do not think that there was strong intimidation on either side, as far as influencing voters by intimidation was concerned; but Murphyism was very strong.

3971. Was no intimidation practised within the mills?—Not that I know of.

3972. No undue influence of any kind?—No, not that I know of.

3973. No men dismissed from their work in consequence of voting against their employer?—There is a report that some men have been discharged, but I do not know whether that is the fact or not.

3974. To the best of your belief there was none?—No, on neither side.

3975. Mr. *Bright.*] Were there a good many people attended the nomination?—A great many; many thousands.

3976. Where was it held?—It was held on a plot of vacant ground called the plantation ground, near the market in Staleybridge; behind the market.

3977. Did the nomination last long; and was there much speaking?—No, it did not last very long; not more than an hour, I should think.

3978. Were the speeches pretty well heard over the whole meeting?—There was a great deal of noise and shouting.

3979. Was there any skirmishing?—Not very much.

3980. Was there on that day or on the polling day, in any quarter of the town, considerable disturbance, approaching almost to a riot?—There was some disturbance near one of the principal polling booths on the day of the election; I was so anxious to have the peace of the town preserved that I went to Derby, Preston, and Chester, to see the chief constables of the three counties to get additional assistance, and I succeeded at last with Captain Smith in getting some constables from the county of Cheshire.

3981. How many did you get?—I think we had

had about 70, if I recollect rightly, in addition to our ordinary police force.

3982. Were they there on the day of the nomination?—They were there on the day of the polling only.

3983. Was there on that day, in one of your wards, a disturbance approaching to a riot?—There was a disturbance of that sort at the principal polling booth on the plantation ground.

3984. What happened?—Mr. Buckley, the Liberal candidate, was roughly used by some opponents of his, and in driving from Staleybridge to Dukinfeld (which is annexed to Staleybridge in the Parliamentary representation), along what is called the Tame Valley Road, he was assaulted in his carriage; the carriage windows were smashed, and considerable damage done to the carriage; he and a friend of his were in the carriage at the time.

3985. Were there any windows broken in any disturbance in the town?—No, I think not.

3986. Have you any idea what number of persons attacked Mr. Buckley's carriage; was it a large crowd, or only the outrage of a few?—I think there were about 70 or 80; this was given in evidence at the inquiry on the election petition; if I recollect rightly, there were about 70 or 80 or 100 young men and boys attacked the carriage.

3987. Have you any opinion as to the usefulness or otherwise of continuing the practice of public nominations from the hustings?—I think it would be very much better to abolish it.

3988. What is your view upon the question, has it reference to the fact of its costing a day's work or that it affords an opportunity for tumult?—It affords an opportunity for tumult; the day of the nomination very frequently is rougher than the day of the election. The working people leave their employment; they either obtain leave, or take leave, and they attend the nomination, and all the rest of the day is spent very frequently in drinking at public-houses, and before the close of the evening the town very frequently becomes very much excited; I think that if public nominations were abolished it would be very much better.

3989. Do you think that you are representing a considerable amount of opinion in Staleybridge upon that question?—Yes, I think so.

3990. There is I presume abundant opportunity before the election for the candidates to make their opinions known to the constituency?—Yes, plenty of opportunity.

3991. You say that you have a strong feeling upon the ballot, have you had that long, or has it come to you recently?—I have been in favour of the ballot for a very long time.

3992. On that question are you able to express any opinion as to the feeling in the town?—I think that the majority in the town are in favour of the ballot.

3993. Did the present Member for Staleybridge look favourably upon the ballot during his canvass?—Yes, he did.

3994. Is he understood in the borough to have pledged himself to support the ballot in Parliament?—He is.

3995. Is not that the fact with regard to one if not two more representatives of the Conservative party in your district?—It is the fact with regard to Mr. Mellor, the Member for Ashton. I cannot go beyond that.

3996. In taking that line, do you think that Mr. Sidebottom or Mr. Mellor were very much opposed to the general sentiments of their friends, or that it was rather in their favour at the election?—I should think that the majority of their friends would scarcely agree with them, but I do not know that; I am expressing simply my opinion now.

3997. Did it make Mr. Sidebottom at all more acceptable to some of those who called themselves Liberals?—Yes, I dare say it did.

3998. Sir *George Grey.*] Were there many public meetings held before the election by the candidates at which they addressed the constituency?—Not very many; the Liberal party held very few open public meetings, because they did not wish to have their meetings upset by their opponents; therefore they abstained from holding them.

3999. They were afraid of the Murphyites disturbing them?—Yes.

4000. But were there any mixed meetings at which either candidate addressed the whole constituency?—There were two or three mixed meetings held by the Liberal party, and there were several mixed meetings held by the Conservative party.

4001. Were they orderly?—The two meetings held just before the election by the Liberal party were very disorderly meetings.

4002. But were there opportunities given at public meetings to the constituency to ascertain distinctly the opinions of the several candidates?—Yes.

4003. Without any such interruption as to prevent their giving a full expression of their opinions?—No; there was a considerable amount of interruption at the two last meetings held by the Liberal candidates.

4004. *Chairman.*] You were asked some questions about whether you had examined those accounts of the expenses of each candidate; would there be any advantage in your making an examination of them?—No.

4005. Whatever you might have found out, it would not have been your duty to have taken any steps?—Not at all; in fact I left the matter in the hands of the town clerk, with regard to the accounts.

4006. What did you understand then to be your duty with reference to those returns?—Simply official; I have to receive them, and see that they are published; that is all that I have to do with them.

4007. You stated that you were in favour of the ballot, but at the same time you say that you do not think that either bribery, treating, or intimidation prevailed to any great extent at Staleybridge?—At the municipal contests, I said.

4008. Would not that apply also to the Parliamentary?—Yes; I think there was not a great deal of it.

4009. Then it is on general grounds, and not with reference to the Staleybridge election that you advocate the ballot?—Precisely.

4010. You do not think that in Staleybridge it would make any very great difference?—I think it would not make greater difference in Staleybridge than anywhere else.

4011. You do not think that there are any very great evils to be corrected at Staleybridge?—I think that if the ballot were adopted elections would be conducted in a more orderly manner, and every person would have a free field to exer-

Mr. J. Kirk. 27 April 1869.

cise his own individual opinion, and as such I should advocate the ballot in Staleybridge as well as other places.

4012. It would not prevent Murphy coming?—No.

4013. It would not have prevented what you call the "reign of terror"?—No, it could not have prevented that.

4014. And it would not have prevented the Liberal candidate being assaulted?—No.

4015. It would not in any way protect those whose opinions were very prominent?—It would protect working men, I should think.

4016. But it would not protect those who took a very active part on either side in the contest?—No.

4017. Mr. *Hunt.*] Is your opinion in favour of the ballot entirely formed by a consideration of its effect in countries where it has been adopted?—Yes; I think it works exceedingly well in America and Australia.

4018. Have you been in America yourself?—No, it is only from reading that I form my opinion.

4019. Have you read the accounts of its working in America?—Yes, I have.

4020. Do you understand that in America the ballot ensures secret voting?—I do think so.

4021. Do you think that the Staleybridge voters would maintain secrecy as to their votes, if they voted under the system of the ballot?—Some of them might tell whom they had voted for, but of course it would be their own look out if they did so.

4022. Mr. *Fawcett.*] You stated in reply to the Chairman that it was not your duty to examine those accounts?—I think not.

4023. But you have the vouchers for all the items sent to you?—The town clerk keeps them; I do not keep them.

4024. Is it not your duty to examine the vouchers?—No, I do not think it is my particular duty; I cannot alter them, nor can I compel an alteration if I did examine them.

4025. But it is your duty to see that the vouchers are genuine, is it not?—I do not know that it is; if it is my duty, I am not aware of it.

4026. Has it not struck you that it would be no use for the Act of Parliament to order vouchers to be sent in unless they are examined?—I know that they were examined by the town clerk, but I did not examine them myself.

4027. You stated just now, that you think it would be unfair that any portion of the necessary expenses of a Parliamentary election should be borne by the town; did you base that opinion upon the idea that a seat in Parliament is a privilege which a candidate ought to pay for?—Partly, and on the other hand, I think that boroughs have already sufficient burdens to bear without bearing the expenses of returning members to Parliament.

4028. But you look upon a seat in Parliament as a privilege that a man ought to pay for, rather than as a duty which he has to discharge?—I cannot exactly answer that question. I think that if a gentleman wishes to have the honour of being a Member of Parliament he ought to pay for it.

4029. Mr. *Gathorne Hardy.*] You are, perhaps, not in favour of paying the Members themselves?—No, I am against that strongly.

4030. Sir *Michael Hicks Beach.*] Does Staleybridge maintain its own borough police?—Yes.

4031. Are they certified by the Inspector as efficient?—Yes.

4032. Then it was only on the occasion of Mr. Murphy coming that you required an extra force?—It was on the day of the election.

4033. Mr. *Edward Egerton.*] How many police have you in Staleybridge?—Twenty-four.

4034. The population is what?—The population was about 25,000 at the last census. We require to have one to every 1,000 before we can have the Parliamentary grant.

Mr. Thomas Troughton; called in, and Examined.

Mr. T. Troughton.

4035. *Chairman.*] Where do you reside?—At Gravesend.

5036. Mr. *Hunt.*] Have you had experience of any elections in that part of the country?—Yes, I have taken rather an active part.

4037. Sir *George Grey.*] Is Gravesend a municipal borough?—Yes.

4038. How long has it been so?—From time immemorial.

4039. Mr. *Hunt.*] How are the municipal elections conducted at Gravesend, as regards peaceableness and purity?—We do not have any disturbance at all at the municipal elections; in fact, we have not had a contest for nearly 20 years.

4040. Do politics enter into the municipal elections at all?—No, not much.

4041. There are no contests?—No.

4042. *Chairman.*] In no ward of the town?—No.

4043. Mr. *Hunt.*] You have had experience of one Parliamentary election?—Yes.

4044. On that occasion there was a contest, was there not?—Yes, there was a contest then.

4045. Was it a pure election?—I do not think it was.

4046. Will you tell us what was the nature of the corruption used; was it bribery, or treating, or both?—There is no doubt that there was both bribery and intimidation used.

4047. Did the bribery take the coarse form of money payments, or was it anything more insidious?—I thing there was more money payments than anything else, but I believe intimidation had more to do with it; there was a disturbance that took place in the middle of the day.

4048. Do you think that there were many voters induced to vote by money payments?—Yes.

4049. On both sides?—No, only on one side.

4050. With regard to the treating, was treating general at that election?—No, there was no treating at all.

4051. Do you know what the figure was?—Very small, indeed.

4052. Was it shillings or pounds?—I think about 10*s.*

4053. What is the number of the constituency?—About 2,500.

4054. Do you know how many of that number were bought; can you form any idea?—I should think about 200.

4055. Sir *George Grey.*] There has been no petition

petition from Gravesend, I believe?—No; but there would have been a petition if they had known as much as they do now.

4056. Mr. *Hunt*] You have learnt since how the election was won?—Yes; there are several men who are waiting to take their trial at the next assizes.

4057. You have said that intimidation had a great deal to do with winning the election; what was the nature of that intimidation?—The intimidation began about the middle of the day when the other party were ahead; a gentleman living at Northfleet having the command of a great number of men in his employ got up a band of music, and they came in a body and smashed all the windows of their opponents throughout Northfleet and Gravesend.

4058. Then it was intimidation by a mob?—Yes.

4059. Was it an organised mob?—Yes; they came from Northfleet, which is a part of the borough.

4060. Was it regularly got up and organised?—There is no question about it.

4061. Headed by a band?—Yes, by two bands of music.

4062. And they came into the town about the middle of the day?—Yes, about 12 o'clock.

4063. What did they do then?—They smashed the windows of all the Conservative voters that they could get near.

4064. Had that the effect of deterring any voters from recording their votes?—There is no question about it.

4065. Sir *George Grey*.] What does the constituency consist of?—About 2,500.

4066. How many polled on both sides?—I think about 2,000.

4067. Mr. *Hunt*.] By how many was the election won?—About 130 or 140, I am not sure which.

4068. Do you think that but for the bribery and intimidation the election would have gone the other way?—There is no doubt of it, if it had gone on fair as it was going the first thing in the morning.

4069. Sir *George Grey*.] Before the intimidation began how did the poll stand?—The Conservatives were 100 ahead.

4070. Mr. *Hunt*] After this mob came in did the numbers begin to rise on the other side?—Our voters would not go up when they got their windows smashed; they refused to leave their houses.

4071. Did the arrival of this mob, and the going up in the scale of the other party, coincide as to time?—Directly the message went over to Northfleet there was scarcely a vote polled after that time for the Conservatives, for the mob took possession of the booth.

4072. Sir *George Grey*.] Why did you not petition on the ground of intimidation, because if it altered the result of the election it must have been notorious?—The intimidation was notorious, but we could not get at the bribery.

4073. Why did you not petition on the ground of intimidation, because if it altered the result of the election you might have set it aside if the intimidation were proved?—We could not do it, or else we should have done so.

4074. Why could you not?—I really cannot say.

4075. Mr. *Hunt*.] Have you any suggestion to make with a view to preventing such scenes occurring in future?—No; except that I should like to see nominations done away with.

4076. Sir *George Grey*.] Was the nomination a very disorderly one at Gravesend?—Yes.

4077. Mr. *Gathorne Hardy*.] Is there any remedy for those persons who had their windows broken?—No.

4078. They cannot get any payment from the rates, or in any other way?—No.

4079. There was no attempt to pull down houses, but simply breaking windows?—Yes, it was merely smashing windows, with the poles that the flags were on.

4080. But you know, do you not, that in case of a riot, which amounts to an attempt to pull a house down, the town would be liable?—Yes.

4081. Do you think it would be an advantage to make the neighbourhood liable for the payment of injuries which are done by mobs in that way?—I should certainly make them liable.

4082. Mr. *Bright*.] Were you in the town at the time of the election?—Yes.

4083. What is your particular position there?—I am a tallow chandler.

4084. Did they break your windows?—No, they did not get to my private house, it is out of the town.

4085. Were they accurate in their vengeance; did they break any Liberal's windows?—No.

4086. How did they know that those particular houses were occupied by Conservatives?—They had a man leading them, and when he got to one of the other party's houses, he said, "Not here; go to the next one."

4087. Then there was method in their proceedings?—Yes.

4088. If they did not know what to do, when they came to a man whose vote they were not sure of either one way or the other, did they pass him by?—They passed him by.

4089. If there were houses in which they did not know how the man was going to vote, they did not touch him?—No; it was mostly the houses that displayed some colours, or something of that kind, in the daytime; or some one they knew.

4090. *Chairman*.] Was there any personal violence?—I was not at Northfleet; I was in the town of Gravesend; but I believe there was some personal violence at Northfleet.

4091. Mr. *Bright*.] What time of the day did you vote?—About nine o'clock.

4092. Sir *Michael Hicks Beach*.] I suppose the people who had their windows broken were all strong political partizans?—Yes; all displaying some colours.

4093. If it had not been known which way they voted, yet their opinions were pretty well known?—Yes; they had got several people with them who told them exactly what houses to smash.

4094. Mr. *Bright*.] Were you on the committee of the Conservative candidate?—Yes, I was chairman of it.

4095. Then, of course, you knew the effect of the canvass?—Yes.

4096. The night before the election; I presume you went through all your lists more accurately than usual?—Yes.

4097. Can you state distinctly what was the state of the canvass the night before?—We had a clear majority of over 100.

4098. Do you include in that the neutral votes, which

Mr. T. Troughton. 27 April 1869.

which are often considerable?--No; only from the actual promises for and against.

4099. When you speak of the promises that are against, if you have ever canvassed, you will find that you cannot estimate the promises that your opponents will get?—No; but, then, you take the doubtful votes afterwards.

4100. *Chairman.*] Can you give the Committee the exact state of your canvass?—I could if I had known that I was to be asked the question; I could not now.

4101. Mr. *Bright.*] On the whole, you were disappointed at 4 o'clock in the day?—It was all done about 12; directly the mob came in and smashed our windows we were done.

4102. Mr. *Fawcett.*] Were the mob who came in excited with drink?—I do not know that they were.

4103. Mr. *James.*] Can you give the names of any voters who had promised the Conservative candidate and who were prevented from voting?—I could not now.

4104. If they were hundreds you must either have reckoned them inaccurately or they were prevented?—I did not say that hundreds were prevented from voting.

4105. You say that there was a majority of 130 on the Conservative side, and you say that the result would have been different but for the intimidation; can you give us the names of some of those 130 who were prevented from voting?—I have not the names with me.

4106. Mr. *Bright.*] Do you think there were any voters who had promised for your candidate who voted for the Liberals?—Yes, there were.

4107. How many do you think?—I cannot tell; if I had known I should be asked, I would have brought that information with me.

4108. Do you think there were many of your promises who did not vote at all?—There were many of our promises who were sent away, and many who promised us voted for the other side.

4109. What do you mean by sent away?—Sent out of the town.

4110. By your friends?—No, not by our friends.

4111. Were any sent out the night before?—I can hardly tell you whether they went in the night or the morning; they were not in the town in the daytime; they could not be found.

4112. Then that particular mob did not affect them at all?—No, not those; we have made every allowance for them.

4113. Some people like this kind of excitement at elections; do you think it would be possible to take any steps to put an end to it, and make elections more tranquil?—I should certainly like to see some other system adopted, but I am not in a position to say what; I certainly should like to see the nomination done away with; I believe that the first cause of the disturbance in our town was the nomination.

4114. Sir *George Grey.*] Which side had the show of hands?—The returning officer gave it to the Liberals.

4115. Mr. *Hunt.*] Was this mob from Northfleet there on the day of the nomination?—Yes.

4116. The same mob?—Yes.

4117. With the same leaders?—Yes.

4118. Sir *George Grey.*] But they were workmen in a factory that is within the borough?—Yes, they live at Northfleet; Northfleet is a part of the Parliamentary borough of Gravesend.

4119. Were they electors themselves?—I cannot say at all.

4120. Were they residents within the borough?—No doubt many of them were.

4121. Householders?—No doubt many of them were.

Friday, 30*th April* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	Mr. Staveley Hill.
Mr. Brand.	Mr. Hunt.
Mr. Cross.	Mr. James.
Mr. Dalglish.	Mr. Leatham.
Mr. Edward Egerton.	Mr. Locke.
Mr. Graves.	The O'Conor Don.
Sir George Grey.	Mr. Raikes.
Mr. Gathorne Hardy.	Mr. William Henry Smith.
The Marquis of Hartington.	Mr. Villiers.

THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. THOMAS TROUGHTON, was called in; and further Examined.

Mr. *T. Troughton.* 30 April 1869.

4122. Sir *George Grey.*] YOU stated on the last day of your examination that the constituency of Gravesend consisted of about 2,500, and that only about 2,000 voted. I see by the returns that the number who voted was over 2,300; can you correct those figures?—The number of the constituency is 2,722; I said about 2,500; and the number of persons who polled was 2,300.

4123. And the majority, which you stated to be about 130 or 140, was 168?—Yes.

4124. Mr. *James.*] Does that 2,722 include double entries?—Yes.

4125. The gross register of persons with both qualifications?—Yes.

4126. Mr. *Hunt.*] Are there two registers at Gravesend?—There are two ward registers, one for Gravesend and one for Milton.

4127. Mr. *Brand.*] Will you state how many voters there were actually on the register?—I cannot exactly tell that.

4128. Mr. *Hunt.*] You have got the analysis of the canvass now with you; will you give us the figures?—The total on the register for the parish of Gravesend was 769.

4129. How many parishes are there in Gravesend?—Three; the total on the register was 769 for the parish of Gravesend; there voted for Mr. Pim 280, and there voted for Sir Charles Winkfield 554; in the parish of Milton there voted for Pim 540, and there voted for Winkfield 527. In the parish of Northfleet there voted for Pim 249, and for Winkfield 356.

4130. Was that in accordance with the expectations formed from the previous canvass?—No.

4131. To what extent did it differ?—We thought that we should get a good majority of 100.

4132. And the result was that you were in a minority of how many?—One hundred and sixty-eight.

4133. Do you attribute that to the organised intimidation which prevailed, and to bribery?—I am sure of it.

4134. *Chairman.*] Have you had much experience in Parliamentary elections?—Not for boroughs.

4135. Then you do not know whether it is or is not a very unusual occurrence to find that your canvass is not borne out by the poll?—All I can say is for the county, and we have generally polled our number within about five of the return for the polling district of Gravesend.

4136. But you have not had experience of borough elections?—No, not in borough elections; that was our first election.

4137. Mr. *Edward Egerton.*] You have stated that voters were kept from going to the poll, or that influence was used to make them vote contrary to their promise?—Yes, I think a good many were prevented from going to the poll. When the windows began to be smashed, I ran home to my own house to protect my house; I am one of the magistrates of the borough; and I then went to the town hall to speak to the town clerk about it, and he told me that the mayor has done all that he can; he has sent to Sir Charles Winkfield's agents to stop it, and they did stop it.

4138. Mr. *James.*] Can you tell the Committee how many persons who had promised you refrained from voting on either side?—No; I have taken very little interest in the parish of Northfleet; I only worked the parishes of Gravesend and Milton.

4139. *Chairman.*] What is the difference between the number of promises and the number that you polled; how many promises had you?—I think our promises were 1,256.

4140. Sir *George Grey.*] What personal knowledge have you of those promises?—I have a personal knowledge, as far as two parishes of Gravesend and Milton were concerned, because I canvassed the whole of them myself.

4141. What personal knowledge have you of the rest of the borough?—Northfleet I cannot answer for; I only know from the report of those who worked Northfleet.

4142. *Chairman.*] Then there were only 1,200 promises that you made certain of polling in a constituency of 2,700?—There were several deaths and several doubles; I cannot tell how many.

4143. Sir *George Grey.*] How many did you calculate

Mr. *T. Troughton.*
30 April 1869.

calculate upon voting?—I always said that 1,200 would win the election.

4144. You did not think that above 2,400 would come to the poll?—No; I said 1,200 would win the election; I said anyone would win who would get 1,200 to come to the poll.

4145. Mr. *James.*] How many voters are there on the register in Northfleet?—688.

4146. That is where the riot occurred, is it not?—Yes; the riot first began at Northfleet, and then the rioters worked their way to Gravesend.

4147. How many polled out of those 688?—About 605.

4148. Mr. *Villiers.*] You made a canvass yourself; do you mean that those persons made promises distinctly to you?—I think I might say that I canvassed the whole of the two parishes of Gravesend and Milton myself.

4149. And promises were made separately and distinctly to yourself?—Promises for and against were distinctly made to me, for I kept a book, and never showed it to anyone till the night before the election.

4150. There was no person with you canvassing, was there?—Yes; Captain Pim was there, and one or two other gentlemen each day, taking the canvass.

4151. And you agreed in your lists when you came home?—No one ever took that but myself; I took it myself and kept it.

4152. But Captain Pim attended you in the canvass?—Yes.

4153. Mr. *Brand.*] Had you no return made to you of the double entries?—No.

4154. Then you do not know that double entries are not included in those promises?—Those men promised me in Gravesend; I did not put them down for Milton, because I knew all the people very well in the parishes of Gravesend and Milton.

4155. As chairman of the Conservative Committee, do you not know the number of double entries on the register?—No; I took the canvass myself of the two parishes of Gravesend and Milton.

4156. *The O'Conor Don.*] Was there a petition in the case of Gravesend?—No; with regard to the petition I might say this, that the reason why we did not petition was that we were recommended not to petition, because we found that after all the expense we could not have claimed the seat; even if we had unseated Sir Charles Winkfield, they said there was no chance of our claiming the seat with a majority of 168.

4157. Sir *George Grey.*] You did not think that you would win the next time if the seat was declared vacant?—No; we had had quite enough of it the first time.

Major Robert Bush, called in; and Examined.

Major *Robert Bush.*

4158. Mr. *Hunt.*] You are a resident in Bristol, are you not?—I reside at Clifton, and I have a business in Bristol.

4159. Have you been acquainted with Bristol for many years?—I have been acquainted with it for the last 17 years, since I left the army.

4160. Have you been at all concerned in the elections in that city?—Yes; more or less during that time.

4161. The municipal or the Parliamentary?—Principally in the Parliamentary elections.

4162. Do you know anything of the municipal elections?—I know a little of them, being a member of the town council; but I know very little about the mode of conducting the municipal elections.

4163. Are the municipal elections conducted with reference to politics or not?—Yes; certainly, they are to a considerable extent.

4164. Is there any bribery at the municipal elections?—I think nothing worth speaking of.

4165. Nor has there been, in your recollection?—Nor has there been.

4166. Is there any treating?—Yes, there is treating, certainly, I believe, on both sides.

4167. To what extent does the treating go?—I do not think it goes to any very serious extent.

4168. Is there anything in the shape of a day's pay given to a voter at the municipal elections?—I have not heard of it.

4169. With the exception of some treating, you think that the municipal elections are conducted purely?—I think they are tolerably pure.

4170. Is there any undue influence exercised at the municipal elections?—I think not. I think very little by masters of establishments.

4171. Sir *George Grey.*] Are there many contests?—Certainly, every year, and very severe contests.

4172. Mr. *Hunt.*] Is there any kind of undue influence exercised by anybody at those very severe contests?—No, I cannot say that there is. I do not know whether the question means to show that masters put the screw on their men or not; if that was the meaning of the question I should say it was not the case. I am speaking more especially as regards my own business, and there it is rather the other way; the men are rather inclined to vote against their master.

4173. Is there a very independent spirit amongst the workmen?—Perfectly so.

4174. Do the masters attempt to influence them?—I do not think they do.

4175. As regards other kinds of influences, is there any influence used by customers over tradesmen?—None, that I know of.

4176. Is any kind of improper influence used by the workmen over one another?—I have not heard of anything of that sort. I think that is carried on to a very small extent in Bristol, either at the Parliamentary or at the other elections.

4177. As regards the Parliamentary elections, is it within your knowledge or not, that there is any bribery at those elections?—Yes; I think there is bribery to a certain extent.

4178. What shape does the bribery take; all the men paid for their day's work, or paid so much in consideration of voting for a particular candidate?—I should say that they were occasionally paid for their day's work as messengers and employed as canvassers occasionally.

4179. Do you mean that persons are employed as canvassers and paid with a view to secure their votes?—I suppose so.

4180. And as messengers?—Yes, and as messengers.

4181. Is that a regular practice in Bristol?—I should think it has been of late years; certainly, since

since the election of 1865 I think it has been carried on to a considerable extent.

4182. Are you aware whether the bribery takes the form of actual money payments in consideration of votes for a particular candidate?—I am not aware of that.

4183. As regards treating, is there much treating at the Parliamentary elections?—I think there is a considerable amount of treating before the elections take place.

4184. How is that done; is it by the opening of public houses?—It is done I rather think by the hiring of committee-rooms, which, as a rule, generally are taken at public-houses, and occasionally it is done by holding tea meetings. For instance, at the late election that was done to a large extent previous to the election by one of the candidates; I do not know whether that may be viewed as treating.

4185. Were persons invited to those tea meetings?—Yes; many thousands were present; men who were voters with their wives.

4186. And they received refreshment, did they?—Yes, they received refreshment.

4187. Without paying?—I believe they were supposed to have paid for it themselves by money taken at the door, or by tickets given to them.

4188. There was money taken at the door to pay for the refreshment supplied?—Yes, to pay for the refreshment supplied.

4189. Then that would not be treating?—I believe in many cases free tickets were given to particular parties, but I am not speaking of this with any degree of positiveness, because it is merely a matter of report.

4190. As regards intimidation, has there been any intimidation at the Parliamentary elections?—Yes, I am sorry to say at the last election intimidation was carried on to a very serious extent in Bristol.

4191. Was it an organised system of intimidation?—I should be of opinion that it was decidedly organised.

4192. In what way was that system organised?—It was done by the collecting together of mobs, who, I should think, almost without exception, were non-voters. I believe many of them were strangers to the place, or came from the suburbs, and I believe that, if an inquiry had taken place, it could have been found out that those parties were paid in one instance by persons coming from a distance. I am not in possession of their names, but I believe two parties from London (as the story is quite current in Bristol) who were at one time, if not at present, members of the Reform League, paid those parties a day or two after the election; that, I believe, can be proved by the Bristol police.

4193. You say that those parties came from London and organised a mob to intimidate voters?—So it is supposed, such a rumour is current in Bristol.

4194. Was it the case that there were organised mobs?—Most decidedly. I saw one of them myself.

4195. Were they known by the name of the "flying column"?—They were known by the name of the "flying columns."

4196. Was there a separate mob in each district of the town?—That I cannot speak to. I should say that they were not separate mobs. I should think that there were two or three different mobs that went apparently by design, and by previous plan, from one polling booth to another.

Major *Robert Bush.*

30 April 1869.

4197. Your belief is that they were under a regular leader?—I believe they were under a regular leader.

4198. Was he a paid leader?—I can myself speak to one mob which I myself saw, and, as an old military man, it struck me that I never saw a mob that appeared to be more organised, almost marching in military form, than the mob I then saw. They were partly armed with bludgeons, and nearly all had red cards in their hats.

4199. At what period of the election did those organised mobs appear in the streets of Bristol?—It was in the early part of the polling day.

4200. Were they there on the nomination day?—There were mobs from both sides on the nomination day.

4201. What is known in Bristol as the "flying column" appeared on the polling day, and not before, I believe?—Not before. They did not show themselves till after the first declaration of the poll at nine o'clock, somewhere about ten o'clock.

4202. Which side was the first declaration in favour of?—The numbers at the first declaration at nine o'clock were in favour of Messrs. Berkeley and Morley by something like 150 or 200, I think. At that time something like 2,400 men had been polled. The general rumour, if I may be allowed to speak of it (I do not speak of this of my own knowledge), was, that if the Liberal candidates were not in a very considerable majority, something like 600 or 700 at nine o'clock, then those mobs were to be let loose with a view of intimidating the Conservative voters.

4203. What was the majority at nine o'clock?—About 150 only in favour of the Liberal candidates. It was generally expected that the majority would have been 600 or 700 in their favour; and the idea was that if there was not that majority, then those mobs were to be let loose.

4204. Was that expectation realised?—It certainly was.

4205. At that time of the day did those flying columns appear?—They did.

4206. What course did they adopt?—I saw myself one of those mobs. I should think there were something like from 200 to 300 men, with very few boys amongst them; and they struck me as being men with very determined looks about them; determined, I should have said, to do any amount of mischief. A great many of them had colours, and red cards, and they took the whole of the street to themselves. This particular mob that I am alluding to, was headed, I am sorry to say, by an old soldier, a pensioner, a man with a wooden leg, who was afterwards convicted for being concerned in several riots. They proceeded to the different polling booths. I do not mean to say that they took possession of the booths, for I suppose that would have been an illegal act, and would have voided the election, but they went to several of the booths, and drove the Conservative voters away from the booths, and prevented them from voting.

4207. Do you believe that the effect of those mobs was to deter many voters from voting?—I believe so, most decidedly, and I believe that to be the opinion of a great many very respectable Liberals as well as Conservatives.

4208. Were legal proceedings taken in some cases?—Yes, in many cases.

Major *Robert Bush.*

30 April 1869.

4209. What were the persons charged with? —They were charged with general rioting, doing damage to property and assaults; there was a fearful amount of assaults.

4210. I think you said that one man was convicted?—Yes, there were many convicted. I think I am speaking quite within bounds, in saying that the number of convictions must have been something like 30 or 40.

4211. You did not petition against the return, did you?—There was no petition.

4212. Did you consider that the intimidation was enough to justify a petition?—From what I saw and have since heard I should think there would have been ample ground to have petitioned upon the score of intimidation.

4213. Do you know the reason why no petition was presented?—No, I do not.

4214. Was there a strong feeling in Bristol against the action of those mobs?—Yes, there was a particularly strong feeling against them.

4215. On both sides, or only on one side?—Certainly it was much stronger on the Conservative side; there were excuses made for them by the opposite side. They said that the Conservatives had done the same thing at the previous election, which was denied. It was the case that there certainly were mobs, possibly organised mobs, at the previous election, at which the Conservative Member was returned; but I believe that the Liberals as well as the Conservatives would testify that at the election in April 1868 there was not a single man prevented from voting, and that those mobs that were in the neighbourhood of the booths, gave just as much assistance to the Liberal voters to come up to the poll, as they did to the Conservative voters.

4216. You think that at the previous election the voters had not been prevented by the intimidation of the mobs?—I think not; in fact, I never heard a complaint of that sort urged by the Liberals.

4217. You told us that you believe that strangers organised the mobs, and that they were paid?—It is generally believed so, and I believe it could now be proved; I believe that the parties are known.

4218. Do you think that the mobs that were organised were paid?—I have no doubt of it, and I believe that the sum is known that they received. They began quarrelling among themselves as to the terms of payment, and the police were actually called in to keep order while they were being paid.

4219. Where were they paid?—At a public-house called the "Coach and Horses," in the Broad Mead.

4220. Do you know what number went there for payment?—That I cannot speak to, but I believe it was a matter of hundreds.

4221. Do you know the names of any policemen who could testify to this?—I do not know the names, but I have no doubt that they could be easily got at, and I have as little doubt that the names of those two parties who paid them could be got at too.

4222. Mr. *Villiers.*] You are a native of Bristol, I presume?—I am a native of Bristol.

4223. Have you known Bristol for many years?—Yes, constantly for the last 17 years. The first part of my life I passed in the army, and of course I was not much acquainted with it during that time.

4224. Have you always taken an interest in those elections?—To a certain extent, I have.

4225. You have known the practices at elections for many years past, I presume?—Yes.

4226. That sort of rioting is not a very unusual thing at Bristol, is it?—I have never heard of any election riots like those at the last election; in fact, I am told by those who were present at the Bristol riots in 1831, when the city was burned, that nothing in the shape of a riot has occurred since then which approached those riots so closely in point of violence, brutal conduct, or damage done.

4227. You have, I think, observed that at one election there was an organised mob on the other side?—I may say organised, inasmuch as from the course that was taken at Sir Morton Peto's election, hundreds of Conservative voters were then prevented from voting, and steps were taken by the Conservative party to assist their voters and to give them the means of going up to poll their votes.

4228. So that the mob that was organised on the Conservative side was for the protection of the Liberal voters as well as of the Conservative voters?—I wish most distinctly to say that it was not organised for that purpose, but I say this, that they gave as much facility for the Liberal voters to record their votes as for the Conservatives to do so.

4229. I think you say that they assisted the Liberal voters to come up?—I believe they did; I should not be straining the point by saying that they gave assistance to the Liberal voters to vote.

4230. Do you happen to know the terms on which those mobs consented to act?—I do not.

4231. Do you know whether it was stipulated that they were to assist the Liberal voters in giving their votes?—I do not.

4232. Do you know the terms upon which this mob was got together?—I do not.

4233. Did you act on any committee at the time of the election when the Conservative mob was organised?—Yes, I was on the Conservative committee.

4234. Was there any discussion deliberately about it?—None that I can speak to myself at all.

4235. Were they brought from a distance?—I think not.

4236. Are there persons generally available for those purposes in Bristol?—I think it is quite likely there are.

4237. Do you say that the Liberal mob was brought from out of the town?—I say that, at the last election, a great many of the mob were strangers to the town; I believe some of the mobs came from some of the neighbouring collieries.

4238. Do you speak in that case upon the report of others?—Upon report, certainly not at all from any actual knowledge of the fact.

4239. I think that would apply to the other parts of your evidence; that you do not speak from any actual knowledge of anything?—Certainly not of everything.

4240. But upon the report of others?—Upon the general belief and the general report at the time and since of what took place.

4241. Reports flying about at the time of the election?—Yes, and which were afterwards generally verified.

4242. Before the magistrates?—No; I should say not before the magistrates.

4243. When you speak of this mob coming from out of the town, and being paid for their work, those were reports which were flying about at the last election?—Yes; and I believe I can say that they did officially come before the magistrates, inasmuch as several of the parties who, I believe, were brought before the magistrates were found to have come from some of the collieries in the neighbourhood.

4244. Are you on the bench yourself?—I am not.

4245. You do not know whether magistrates heard the case?—No, I do not.

4246. And you do not know that the case was heard?—Certainly; I know that the case was heard, and that it came out in evidence that some of those men who were concerned were called volunteer constables (that was the name that was applied to them) and that they belonged to some collieries on the outskirts of Bristol.

4247. But did those proceedings disclose for what they were hired?—I rather think they did.

4248. But you do not know?—I do not know, but I rather think they did; I think it is upon record.

4249. You state that it is the practice at Bristol to hire a great number of people as messengers at the Parliamentary elections?—Yes, I believe it is.

4250. Do you know whether those messengers were not amongst the mob?—It is quite possible they may have been; if so, they must have had a great many hundreds of them, for I should think that in the different mobs that were going about the town, there must have been certainly over a thousand men.

4251. But have you any knowledge of the illegal purpose for which they were hired?—Certainly not.

4252. If there were proceedings before the magistrates, that would have been disclosed, would it not?—It possibly might or might not.

4253. Has anything ever been said about the illegal purposes for which those men were hired since the time of the election?—I have not heard of anything being directly said about it.

4254. In fact, can you tell us of any proceedings that did actually take place in consequence of those irregularities at the election?—I could, if I had had time to refer to the papers, have brought to your notice many convictions that took place for assaults, and very serious assaults they were; and one of them was the conviction of this very man whom I myself saw leading the mob. This pensioner has received six weeks' imprisonment; and I am sorry to say he is an old soldier.

4255. Perhaps he was well known before in Bristol?—I never heard of him before.

4256. Nothing of this sort occurred on the other side; there was no disturbance, was there?—Nothing in the early part of the day, and if anything did occur, I believe it was a measure of retaliation, and in the afternoon.

4257. There was not any piece of work in the early part of the day, was there?—There may have been, but certainly nothing at all to the extent of the mischief that was done by the opposite party, but I might almost say that there was little or nothing done by the Conservative side in the morning.

4258. But the mob that you refer to, which supported the Liberal side, were only to be let loose in the middle of the day, I think?—That was the general idea; not in the middle of the day, but after the first declaration of the poll, and if the Liberal candidates were not well ahead. It was generally considered at the previous election in April, when Mr. Miles was so much ahead at nine o'clock of the Liberal candidates that that turned the election, that it had an effect upon many voters who were waverers, and that therefore it was of great importance to the Liberals to show a large majority at nine o'clock.

4259. This large majority did not appear at that hour of the day when you said you saw the mob acting as you expected they would act?—I saw them acting as I expected they would act as near 10 o'clock as possible; the particular mob that I speak to, was one of some three or four.

4260. When did the retaliation begin?—As far as I know, not till the afternoon.

4261. Then there was a general disturbance, both parties being in collision?—Yes, I believe they were.

4262. Were any proceedings taken against the people on the other side?—Yes; and many were convicted and punished. I believe at the former election in April, at which Mr. Miles was returned, the town clerk testified or was prepared to testify, and the authorities would I have no doubt testify, to its having been one of the most peaceable elections that ever took place in Bristol.

4263. Mr. Miles was returned in the early part of that year, was he not?—In April 1868.

4264. And was there a petition against his return?—There was.

4265. Was he unseated?—He was.

4266. Was it the riot upon which he was unseated?—No, it was not.

4267. Do you remember the particular cause?—I really do not. I cannot explain it at all in a legal way, but it was something in connection with bribery. Mr. Miles was himself acquitted of any blame whatever.

4268. Then besides riot, bribery sometimes takes place at the Bristol elections?—Certainly.

4269. And upon this occasion Mr. Miles was unseated upon that ground?—He was.

4270. Do we understand you to say that it is a rare occurrence at the Bristol elections that there should be bribery?—Certainly not.

4271. Is it common?—I believe it is common. Most certainly, since the election of Sir Morton Peto, when, I believe, the sum that was spent was something fabulous.

4272. The sum was larger then, was it, than when Mr. Miles was elected?—I should think so. I do not know what was spent at Mr. Miles's election, but it is generally reported that something like 15,000 *l.* or 16,000 *l.* was spent by Sir Morton Peto in his election.

4273. Was there a charge of bribery against Sir Morton Peto?—I never heard that there was; there was no charge whatever at that election, I believe.

4274. Sir Morton Peto was not unseated?—Certainly not.

4275. With respect to the municipal elections, I think you say that they are quite pure?—I did not say anything of the sort.

4276. I thought you said that there was no bribery or treating?—I certainly did not make use of the word "quite."

4277. But

Major *Robert Bush.*

30 April 1869.

4277. But, comparatively, they are pure?—I think that is much nearer the mark, and is what I intended to say, at any rate.

4278. But contests sometimes occur there, do they not?—Contests sometimes occur. There was a very severe contest when I was elected myself as a member of the town council.

4279. Are they not about the same people that vote in both elections?—Yes.

4280. Is there any rioting at the municipal elections?—Very little.

4281. You do not speak of your own knowledge about the treating?—I believe that very little treating exists. I believe that treating does exist, but it is to a very insignificant extent.

4282. The public-houses are open, are they not?—Yes.

4283. And drinking goes on?—It possibly does.

4284. You are not able to tell us what occurs at the municipal elections in that respect?—I cannot.

4285. Do the same practices occur at the Parliamentary elections with respect to the public-houses as regards treating?—Yes, I have no doubt they do.

4286. Do you know whether there were a great many public-houses open at Bristol at the last Parliamentary election?—I am not aware, of my own own knowledge, that many were opened by the Conservatives or by the others.

4287. It was chiefly rioting, was it?—I think that what the Conservatives complained of most, was the extent of the rioting and the disgraceful extent of the intimidation.

4288. What did the police do under those circumstances?—Nothing whatever, I am sorry to say.

4289. What did the magistrates do?—The magistrates did very little, because they were powerless, according to the report of the head of the police. He said he had not force enough to act. I believe there were one or two policemen following the mobs, but they did nothing whatever to check the rioting, and after the election was all over, the number of men that were identified by the police as having taken a part in the riot was something perfectly insignificant, and they ought to have known hundreds of them.

4290. Perhaps if the magistrates and the police had done their duty, the riot could have been suppressed?—I think that it was perfectly out of the power of the police to have effectually checked the rioters after the mobs had begun their violence, and nothing less than calling out a very large military force would then have done.

4291. To what do you refer when you say, a very insignificant number?—I mean the insignicant number of the rioters who were identified by the police as rioters.

4292. What would be the difficulty in putting down a riot of that kind?—I cannot explain the difficulty; it looked to me something like an animus on the part of the police force not to check the rioters or to be able to identify them afterwards.

4293. How was it with the Bench; was there any animus there?—I think not. I think that the magistrates generally acted fairly.

4294. But they did nothing when the riot took place?—They did nothing. The fact was, reports were made to the sheriff of the disturbances that were taking place, and he very properly sent his under-sheriff to the different polling booths, and as fast as he went to one place the mob moved off to the others, and to most of the Conservative committee rooms, and they went from one polling booth to the other, intimidating voters on their way.

4295. Was any house property destroyed?—A very large amount of property, amounting, I dare say, to a couple of thousand pounds; possibly more.

4296. But was not it deserving of the attention of the magistrates; might not they have read the Riot Act if it became so serious as that?—If you ask me as a matter of opinion, I think that they ought to have read the Riot Act.

4297. In fact, if proper means had been taken, this riot could not have got head?—I think that the only proper means that could have been taken would have been to call in the large military force which were close at hand, and which were not called in.

4298. But you say that there was a want of good-will on the part of the police to stop the riot?—I think that the police showed a feeling rather in favour of the rioters by their conduct.

4299. Has there been any reflection cast upon them in the town in consequence?—Yes.

4300. Were any proceedings taken upon that?—None whatever.

4301. Had there been a riot of any kind before on any other occasion when the magistrates and the police would not interfere?—I have not heard of any other occasion upon which the police have declined to do their duty.

4302. Have they ever acted before at an election?—Yes, I suppose so.

4303. But as to what you know?—Yes; they have acted before.

4304. Tell us when the police acted to prevent rioting before?—At the previous election they were not called upon; at the election, in April, their services were not called for.

4305. They were not needed?—They were not needed.

4306. There was no riot then I think?—There was no riot.

4307. As to former occasions, I think, you say there had been riots in 1865?—No, I am not aware that I said so.

4308. I thought you said that there was a mob organised by the Conservatives in 1865?—A large number of Conservative voters were prevented from voting and did not vote; I am not aware that any riot took place.

4309. You do not know any other occasion on which the police did not act when they ought to have acted?—No; I think not.

4310. If they had acted this time there would have been no riot?—From the feeling and the determination with which those mobs were acting, I do not think that the force of police after a certain time of the day would have been sufficient to have quelled the riot.

4311. But there was no attempt on their part to put it down?—There was certainly no attempt whatever till quite late in the afternoon, when the election was decided.

4312. You said that it was believed that two of the leaders belonging to the Reform League came down from London with money and paid themselves, and paid the mob?—I have not said so.

4313. Then that is not what you intended to convey by what you said before?—What I said was this, that there was a report very general in Bristol that such a thing had taken place, and I believe that if occasion requires it can be proved.

4314. But

4314. But you have no means of knowing it to be true; there has been no inquiry into it since?—I have no means of knowing it to be true, and so far as I know there has been no inquiry into it since.

4315. It was merely a rumour then, to the prejudice of all those persons who were on that side?—It was a rumour, but I believe that the rumour was perfectly well founded.

4316. Have you no reason which you can state to the Committee for that belief?—No; but I believe that if the police are applied to in Bristol there are members of that force who can identify the parties who paid the money, and those parties, I believe, can be proved to be members of the Reform League.

4317. Mr. *Edward Egerton.*] How soon after the election were those proceedings taken which resulted in those convictions of which you spoke?—I really cannot say; I should think it would be within a week or ten days.

4318. But you said that there was an indisposition on the part of the police to give evidence?—I did not say so; I believe that I said there was an indisposition to identify the parties.

4319. Then, upon what evidence were the men convicted?—Principally upon the evidence of civilians who were present.

4320. And who saw them taking part in those proceedings?—Yes; who saw them taking part in those proceedings.

4321. Was there any representation to the mayor made on the part of Mr. Miles's committee that their voters were prevented from coming up?—Yes, certainly there was.

4322. Did the mayor decline to give any assistance?—I think I said just now that it was the sheriff who was in authority there, and he sent the deputy sheriff round to the polling booths.

4323. Were no special constables sworn in?—None at all.

4324. And yet, notwithstanding all this, there was no petition presented?—There was no petition presented.

4325. Why was there no petition presented?—I cannot say, but I believe it has been a source of great regret to the Conservatives that it was not presented.

4326. You were a member of Mr. Miles's committee, were you not?—I was.

4327. What was the majority which Mr. Miles had in the April election?—The gross majority on the whole; I really cannot say, but I believe it was a matter of hundreds.

4328. Can you mention what the number of the constituency was at the election in April?—I am just as likely to be wrong as not, but I believe it was something like 17,000 or 18,000.

4329. Do you know what increase to the constituency was made by the late Act?—I believe it was about 5,000 or 6,000.

4330. Can you state to the Committee how many of those voters did not vote upon the last occasion; what number abstained from giving their votes, being prevented by this intimidation from giving their votes?—Judging from the number of promises, I should think that from 800 to 900 did not vote for Mr. Miles, who had promised.

4331. Do you know what the constituency at the present moment is?—I believe it is a little over 22,000.

4332. You have told us, have you not, that bribery has been upon the increase in the Parliamentary elections?—I do not think I stated that.

4333. You stated that there was a great deal of bribery at the time of Sir Morton Peto's election, did you not?—I said that I thought that was the beginning of the bribery to any extent.

4334. When was Sir Morton Peto elected?—In 1865.

4335. Was that his first election?—I think that was his first election.

4336. Did that system of paying men for their day's pay in the shape of messengers begin upon that occasion, or was that an old practice in Bristol?—I cannot say; I cannot go back beyond two or three elections, for I had not taken at all an active part in them.

4337. You have known Bristol for a great many years, I think?—Yes, I have known Bristol for 17 years intimately.

4338. Are you now a member of the town council?—I am.

4339. Has this subject of undue influence at the last election been brought before the town council?—It has not.

4340. How is the bench constituted at Bristol; what number of Conservatives are there?—That I cannot answer positively; I believe it is as nearly as possible half and half.

4341. And yet no steps were taken in consequence of this rioting at the last election to bring it before the Home authorities in any way?—I have not heard of any.

4342. For whose interest were those prosecutions commenced?—I suppose for the parties who were assaulted and who suffered.

4343. Were they chiefly complaints in the nature of assaults?—They were principally.

4344. Has there been any representation made for the payment of money for the property which was destroyed?—Yes.

4345. Upon whom have they come?—They have come upon the Conservatives, who were willing to recompense the Conservative sufferers, and I believe considerable sums have been paid by the parties themselves.

4346. They have had to bear the loss?—Yes, they have had to bear the loss.

4347. You have stated that those men were paid by strangers, and yet the police would be able to identify them?—Not upon my own knowledge; I stated that that was the current report.

4348. Has there been no attempt made to get hold of those strangers?—I have heard of none.

4349. *The O'Conor Don.*] You stated that there were several serious assaults during those riots; of what character were those assaults?—Some of them were exceedingly brutal and cowardly.

4350. With what weapons were those mobs armed?—To a great extent with bludgeons. I will give one instance which I saw myself. One particular mob turned round an angle of the street, and as fast as they came along, the people closed their shutters. The mob then went along by the quay side, and they had to pass through a toll-gate. The man at the toll-gate immediately closed the gate; but this wooden-legged pensioner that I spoke of, backed up by several others, came up to the gate and commenced abusing the man. Of course he said he would not let them go through without payment of the toll. This

Major *Robert Bush.*

30 April 1869.

pensioner wielded a weapon over the man's head several times, and made use of most fearful language, and it ended, of course, in the man's opening the gate. Upon another occasion, I cannot say that I saw it done, but I believe it could be shown also, the extent to which they carried their mischief and violence, I myself saw a stone that was thrown into a house which weighed 4½ lbs. (I saw it weighed myself), which struck a man, in a house where Conservative colours were shown, in the back, and certainly if it had hit him on his head it must have killed the man. That man was ready to swear to that occurrence having taken place; and many acts of violence, which might not have been of a very deadly character, but equally brutal to this, were committed by this particular mob.

4351. What was the greatest amount of punishment awarded at any one conviction for those assaults?—I think this man, the pensioner, if I recollect rightly, received six weeks.

4352. He was considered the chief offender, was he?—I really cannot say that; I certainly have always put him down as being about one of the worst of them; I think there were some others that received three months.

4353. You stated that there was an idea prevalent in the town before the election, that if the Liberal candidates were not in a large majority at 9 o'clock, those mobs were to be let loose; how long before the election was this idea prevalent?—A day or two.

4354. Then this mob violence was expected a day or two before the election?—Yes, I think it was.

4355. Were there no precautions taken by the authorities, knowing that those mobs were being prepared?—Nothing more was done that I am aware of. At a Liberal meeting some conspicuous members of the Liberals actually advised the very course that was adopted; they advised the taking possession of the polling booths, and holding them till the election was won; and I believe that at one of those very meetings the successful candidate, Mr. Morley, was present.

4356. Was that long before the day of the election?—I cannot say; I should think possibly a week previous to it.

4357. Was that announced publicly?—It was, at a public meeting of the Liberals, because the Liberal candidate was there.

4358. You say that about a week before the election, at a public meeting of one party, it was proposed that the polling booths should be taken possession of by the mob?—Yes, those words were used, as nearly as possible; that certainly was quite the spirit of them, at any rate.

4359. And in spite of that there was no precaution taken, either in the way of having additional police force or the military in the town?—Not that I am aware of.

4360. You state that there was a large body of military in the neighbourhood?—Yes, which was quite sufficient to have quelled any disturbance.

4361. Were they brought there specially for the election?—No; they were quartered there; it was the head quarters of the 3rd Buffs.

4362. And there was no use made of their being in the neighbourhood in the way of calling them in to assist or help the police?—No.

4363. Mr. *Leatham.*] You stated that it was known some days before that in all probability this kind of mob violence would be resorted to; what precautions were taken by the Conservative side?—I really do not know that any precautions were taken.

4364. But you say that a retaliation took place later on in the day?—Yes; I believe it could be shown that the Conservatives who were brought before the magistrates were brought up charged with offences that were committed, I believe, quite late in the day.

4365. Was all this rioting late in the day?—No, certainly not; the principal rioting by the Liberal mob was quite early in the day; I should think the principal rioting took place from 10 to 12 o'clock, and it was during that time that the chief amount of intimidation was practised.

4366. Did you watch the mob going from one polling booth to another?—I did not; it was no part of my business.

4367. I thought you stated that you did?—I believe it is beyond doubt that they did this, because there they were at the different booths.

4368. But not the same mob?—Different mobs.

4369. Then it was not one mob going from one booth to the other?—No, certainly not; there were several mobs, but all evidently under the direction of particular leaders, and a motion of the hand was sufficient for them to stop at particular houses of Conservatives and attack them.

4370. How many persons were there in the mob which you saw?—I should think 300.

4371. Is that considered a mob in Bristol?—I considered it so; I think, without assuming too much, I may say that I may form some opinion of it, for I have been upon more than one occasion called out to assist the civil power, and I may say that I never saw a more formidable mob, although they did not number more than 300.

4372. Were they walking in procession?—No; not in procession, almost in military array; there was considerable degree of order observed.

4373. That is not what you consider a procession?—You may term it a procession; I should not express myself in that way.

4374. Are you quite sure that they were not going to poll?—No; I cannot be certain about that; I began my evidence by stating that I fully believed that hardly a man in the mob was a voter.

4375. You say that there were 30 or 40 convictions?—Yes, and I should think more.

4376. Were all those convictions on one side?—Certainly not.

4377. Were the majority on the side of the Conservatives?—That I cannot say; I should think, certainly, by far the most serious offences with which the parties were charged were those of charges against the Liberals; I speak now particularly as regards assaults.

4378. Would you be surprised if you were told that the majority of the convictions were against members of your own party?—I think it is quite possible that they might be; it would not surprise me, because I think that the cases that were brought against the Conservatives were mostly of a trivial character, and they were brought for a particular purpose.

4379. And yet you think that the bench acted with great discretion and fairness?—I have no fault myself to complain of as against the bench.

4380. You said that part of the damages were paid by the Conservatives?—Yes.

4381. Were

4381. Were all the damages paid by the Conservatives?—Certainly not.

4382. Was any portion paid by the other party?—I have not heard of it.

4383. Sir *George Grey.*] Were those people convicted by the local magistrates in Bristol?—Yes, certainly.

4384. Was there any difficulty in getting evidence?—I cannot myself speak of any particular difficulty.

4385. You were a member, you said, of Mr. Miles's committee in 1868?—Yes.

4386. And again a member of the committee at the last general election?—Yes.

4387. And you had a previous knowledge that those mobs were to be brought out, on the day of the polling, in a certain event?—There was a report that a certain course would be adopted.

4388. Did not you say just now that two or three days before the election you knew that it was intended that, if the two Liberal candidates were not in a large majority at nine o'clock, those mobs were to be brought out?—That was the general rumour, and it was verified.

4389. Did you make any application to the mayor, or to the local magistrates, to swear in special constables, accompanying it with an affidavit of the grounds, as required by law, upon which you made the application?—I cannot say; I took no part in it, nor do I believe the Conservatives did; it may have been done, but I have no knowledge of it.

4390. Although Mr. Miles's committee had this knowledge, you are not aware that they took any means for protecting the voters against this intimidation?—I am not aware of it. I have heard, and I believe it is correct, that the troops had some sort of intimation sent to them that possibly their services might be required, and I know that they were kept under arms in readiness.

4391. Do you not know a case in which special constables have been appointed in Bristol?—Of my own knowledge I do not.

4392. Do you know the mode in which they can be appointed?—No, I am sorry to say I must plead ignorance to that also; I really do not know; I suppose it is upon sworn information, or some process of that sort.

4393. But no such sworn information was laid before the magistrates?—I have not heard of it.

4394. You were a member, you said, of Mr. Miles's committee in 1868; did you take much interest in the petition which was presented against his return?—I did take some interest in it.

4395. You said just now that you believe that he was declared not duly elected for something connected with bribery; are you not aware that the report of the Committee enumerated a good many persons by name who had been bribed by persons acting as the agents for Mr. Miles?—I wished to have stated that it did not appear that Mr. Miles himself had taken any personal part in the bribery; of course I am aware that he was unseated for acts of bribery by his agents.

4396. He was acquitted of any personal knowledge of the bribery?—He was acquitted of all personal knowledge, I believe.

4397. Still there were a considerable number of persons proved before that Committee, were there not, to have been bribed, and to have given votes in consequence of those bribes?—Undoubtedly; there were, I believe, one or two.

4398. Was not it also proved that treating prevailed to some extent?—Yes, I think it was.

Major *Robert Bush.*

30 April 1869.

4399. Is it not the case generally at Bristol that the public-houses are opened at the time of the election; I mean that they are opened at the expense of the candidates or their agents?—I think they were; I am not aware of any public-houses having been opened by the Conservatives.

4400. Not at the election of 1868?—No, certainly not in 1868.

4401. Do you believe that there was this treating which the Committee reported upon in 1868?—I cannot say that there was.

4402. Was there much drunkenness at Bristol at the time of the election?—Yes, I should think there was.

4403. Have you any remedy to propose for those evils of which you have been speaking?—No.

4404. Do you not think that it would be desirable to close the public-houses at the time of election?—Yes, I think that if that could be done, it would be desirable.

4405. Do you think that the evil is incurable and that the elections at Bristol must always be conducted in this way, and do you abandon all hope of any remedy?—I think myself from what took place at the last election, there is still so strong a feeling existing that if ever there should be a contest again, unless immense strength were given to the police or a large military force were ordered in, there would almost be a certainty of bloodshed taking place.

4406. You think that the remedy against intimidation would be to have an increased police force, and a military force in attendance?—Not the only remedy.

4407. What other remedy would you suggest?—There might possibly be a different way of taking the votes adopted, such as voting papers or something of that sort; I do not know whether it would come properly within the scope of my evidence, but perhaps I might be allowed to say, that already some steps have been taken by the town council of Bristol upon the subject of doing away with the nomination of the candidates and the declaration of the poll; we think that that would be exceedingly beneficial.

4408. You said that there were mobs on both sides at the nomination?—Yes, there were mobs on both sides, and both equally violent.

4409. Was there much difficulty in obtaining a hearing for the candidates?—It was a perfect caricature of the whole form, because there was not a single word heard from either of the candidates.

4410. What was the majority by which the successful candidates were returned at the last election over Mr. Miles; was not it about 2,000?—No, it was a little over 1,000, I think.

4411. Just look at the numbers in Dodd, and see whether they are correct?—Berkeley, 8,759; Morley, 8,417; Miles, 6,694; I was not aware that the majority was so great. The fact was, after 12 o'clock, the intimidation having commenced, many of the committee rooms were closed, and the Conservatives gave up, seeing that the people were actually afraid to go out of their houses to vote for Miles.

4412. You do not know how many remained unpolled?—I do not; but I can tell you that, as far as promises were concerned to Mr. Miles, something like 900; and I can also tell you that at the previous election (to show the correctness of the

Major *Robert Bush.*

30 April 1869.

canvass), the gross number polled for Miles was within something like 150 of the actual canvass return.

4413. Did those 900 abstain altogether from voting, or did not any of them vote on the other side?—Yes, I dare say a portion of them voted on the other side. There were cases of men who took a leading part on the Conservative side; for instance, I can refer to one person, the chairman of the Conservative Operatives' Association; he made three different attempts to get from his house to vote, and was intimidated and driven back, and I believe on one occasion he was very seriously assaulted; I merely mention that as one of a very large number of cases. I might mention the case of another man, who was told that if he voted he would be assaulted; he did vote, and he was assaulted, and very seriously damaged.

4414. What is the number of the police in Bristol?—I should think it is under 400, but I may be wrong; I may be out 100, one way or the other.

4415. Mr. *Edward Egerton.*] What is the population of Bristol?—The population of Bristol and the suburbs, I suppose, is about 150,000.

4416. *Chairman.*] Do you desire to see the adoption of the system of voting by means of papers?—I think voting papers might remedy a good deal of the evil.

4417. But for that reason do you desire to see their adoption?—I should myself individually.

4418. You do not take much interest in the municipal elections, you say?—No, I do not.

4419. You have not watched personally what is the effect of voting by means of papers at those elections?—No, I have not.

4420. Do you not think that although with a system of voting papers the elections might be more tranquil, that system might be open to other objections?—I am not aware of the objections.

4421. Would not it make bribery more easy?—I do not think it would make it much easier than it is at present.

4422. Would it not make the exercise of undue influence by one individual towards another very much easier?—I cannot see it myself.

4423. Have you considered what would be the effect of the adoption of the ballot upon the tranquillity of elections?—I have not given it any consideration, or very little. I think that the adoption of the ballot, generally speaking, would be very ill received by the Conservative portion of the electors.

4424. Why?—I am not prepared to give my reasons, but merely as a matter that you occasionally hear talked of as being un-English, and contrary to their general notions.

4425. In your opinion, would it be likely that those scenes of riot and intimidation would continue under a system of voting by ballot?—I think it is possible that they might, inasmuch as a great deal of riot, intimidation, and treating takes place before the election, and I do not see how the ballot can put a stop to that.

4426. I understand that the violence which you have described to the Committee did take place on the day of the polling?—It did.

4427. And with the object of preventing Conservative voters who were known, from coming up to the poll?—I presume that that was the object.

4428. Have you considered whether it would be so likely that the same sort of mobs would be organised if the system of secret voting were adopted?—The object would not, I think, be gained by anything of the sort; and the feeling generally, I think, amongst Conservatives is against secret voting.

4429. Mr. *Hunt.*] The ballot has been very much discussed in Bristol, has it not?—Yes, I think it has occasionally.

4430. I think your own Member is in the habit of bringing forward the question in the House of Commons?—Yes, he generally takes every opportunity of bringing it forward upon any public occasion.

4431. Has not that given occasion to a good deal of discussion in Bristol upon the subject?—Yes, I think it has.

4432. You say you think that the Conservative party generally are against it; do you know whether the Liberal party are in favour of it there?—I should consider it presumptuous in me to offer an opinion as regards the Liberal portion of the voters.

4433. Do you know whether the advocacy of the ballot by your Member for Bristol gained him any support in the city?—I do not find that the feeling in favour of the ballot, either amongst the Conservatives or the Liberals, is on the increase at all. I give that merely as my individual opinion.

4434. What is your own opinion; do you think that if the ballot system were instituted, the secrecy would be maintained by the voters?—I do not think it would have that effect.

4435. Since this last election, when you say all this intimidation was employed, has there been no discussion about the ballot amongst the Conservatives in Bristol?—No, I do not think there has been much discussion. I have heard a few Conservatives, and some of them leading ones, express favourable opinions with regard to voting papers, but I do not think that the ballot goes down with them at all.

4436. Have they not considered whether the ballot would be a protection against this kind of intimidation which you have described?—I have heard very little said about the ballot *per se.*

Mr. Frederick Stokes, called in; and Examined.

Mr. *F. Stokes.*

4437. Mr. *Hunt.*] Do you reside at Kingstown?—No, I reside in Dublin; my country house is near Kingstown.

4438. You are a magistrate, are you not, for the county?—Yes.

4439. Have you resided in that neighbourhood for a great many years?—In Dublin for the last 40 years.

4440. Have you taken an interest for the greater part of that time both in the Parliamentary and the municipal elections?—I have taken an interest in most of them during that time, both in Dublin and in the county of Dublin.

4441. There is a local Act regulating the municipal elections in Kingstown, is there not?—Yes, and also in Rathmines, of which I am chairman.

4442. Are Kingstown and Rathmines under separate Acts?—Yes; each under a separate Act. I am chairman of Rathmines and Rathgar, which

which is now connected with Kingstown, and have been so for many years.

4443. You are also a commissioner under the Local Act of Rathmines?—A commissioner in both places.

4444. Do those commissioners perform the duties which are performed by town councils in other places?—Yes, substantially they do.

4445. What is the mode of election?—The mode of election is personally appearing there.

4446. Do they vote by voting papers?—No; they vote in person.

4447. What is the qualification?—The qualification in Rathmines is a 10*l.* householder, and in Kingstown a 4*l.* householder.

4448. Have you contests in Kingstown in the elections of commissioners?—There have been frequently; not very frequently; but several.

4449. And do the elections turn on politics at all?—Yes, entirely; everything does in Ireland. In Rathmines we had an overwhelming Conservative majority, so that no politics enter into the contests there.

4450. But at Kingstown parties I believe are tolerably equally divided, are they not?—No; the Conservative candidate had a considerable majority there at the Parliamentary election, and they ought to have a very great majority in the municipal also.

4451. Have you frequent contests in Kingstown?—There have been two or three within my notice. I have never taken part in any of them myself.

4452. Is there freedom of election at those elections in Kingstown, or is there any kind of intimidation or undue influence used?—One can hardly call it intimidation, but certainly there is no freedom of election.

4453. How is freedom of election prevented?—The constituency is a very considerable one. I heard the other day that it was about 1,200. The election is held in a very small room, and this is usually filled by a mob who prevent the Conservative voters from coming up till it is too late. They are all men of business, and it is impossible for them to wait. They go from Kingstown to Dublin for their business early in the morning, and the poll opens at nine, and closes at four, and the only time when they can vote conveniently is between nine and ten, and in point of fact, I believe, they never can vote except they vote on the Liberal side.

4454. Are they obstructed from voting by mobs?—They are obstructed from voting by the room being filled with the workmen of the commissioners and others, some of whom have votes and some have none.

4455. Is there no means of multiplying the places for voting under the Act?—Parliament is just about passing a new Act; in fact a Bill was passed last week for the purpose of abolishing the present mode of the election of the Commissioners, providing a remedy for that to which I have referred; cutting it up into several wards so that each man can vote without obstruction, and also providing a revising barrister to make a list of voters for the purpose of enabling men to vote who are entitled to do so. Another mode of obstruction is to challenge every one who comes up, and to cause as much delay as possible in discussing his qualifications.

4456. Is it the fact that at those contests a large number of voters have been prevented from voting by reason of the polling place being besieged by a mob?—The Committee will judge of that when I say that, out of about 1,200 voters not more than about 250 or 300 have ever voted, and the majority has always been on the Liberal side, although the voters in reality, there is no doubt, are immeasurably on the other side.

4457. Is there any other kind of influence used to prevent persons voting, or to induce them to vote in a particular way at those elections?—Not that I am aware of; priestly influence goes a very long way in Ireland, and it enters into the elections.

4458. You know something, do you not, about the Dublin City elections?—I have been at most of them.

4459. Both the municipal and the Parliamentary?—Yes, both.

4460. Just take the municipal first; is there any bribery at the municipal elections in Dublin?—Very little; there are one or two wards inhabited by a low class of voters, and it is generally understood that they get something for coming up; but that is always on one side, the Liberal side. The ward is composed of a low class of voters who will not come up at all unless they are paid; but it is not frequent.

4461. Are they paid for their loss of time?—It is generally understood that they get 15*s.* or 1*l.* a piece at the municipal elections; I am confining myself now to one ward, it has been a matter of notoriety that the thing has been done there.

4462. What ward is that?—I think it is called the North Dock, but that is only on one or two occasions.

4463. Do the municipal elections turn on politics in Dublin?—Entirely; no other ingredient appears to enter into them.

4464. Do ministers of religion take any interest in the municipal elections in Dublin?—They do; the Roman Catholic clergy take a very active interest.

4465. How do they vote at the municipal elections in Dublin?—They vote in person from the registration list.

4466. What is the qualification?—None at all; that is to say, there is no money qualification for the municipal elections.

4467. Is there any register?—Yes, there is a register; the qualification is rating and residence.

4468. All rated and resident inhabitants, householders, are entitled to vote?—Yes, a 5*s.* cabin will qualify.

4469. *The O'Conor Don.*] Is anyone rated in Dublin unless his premises or house is up to a certain value?—For Parliamentary purposes 4*l.* is the limit; for municipal purposes, I believe, there is no limit.

4470. Mr. *Hunt.*] Have the freemen votes at the municipal elections?—No, not at the municipal elections.

4471. Do I understand that all rated inhabitants vote?—All rated inhabitants who have occupied the same premises, I think, for three years consecutively, and have paid their taxes.

4472. You stated that the Roman Catholic priests exercise a good deal of influence at the municipal elections; in what way do they exercise that influence?—They call public meetings; they take the chair at those public meetings; and they act in every way as partizans on the Liberal side.

4473. That is to say, they take the chair as

Mr. *F. Stokes.*

30 April 1869.

citizens, but do they exercise their influence as ministers of religion?—I cannot tell you, because I am not a Roman Catholic, but there is no doubt of the fact that they do reach every Roman Catholic in some way.

4474. But you are not able to say how?—No; I am not, but it is by spiritual intimidation that the thing is done.

4475. You, I think, were concerned in managing one Parliamentary election?—I managed the election of 1852 for the high sheriff.

4476. Did you manage it for a candidate at that time?—No; the sheriff would not give the election to the sub-sheriff; he wished to keep it in his own hands, and I managed it entirely for him as a friend, not professionally.

4477. Did you return for him?—No.

4478. You acted as deputy?—I acted as sub-sheriff on that occasion only.

4479. Out of friendship for the sheriff?—Yes; he was a gentleman with whom I was largely engaged in business, and I undertook the management of it for him.

4480. Was that election conducted peaceably and purely?—I would not say much for the purity of it, but it was perfectly peaceable; we had an overwhelming force of police and troops if any attempt had been made to break the peace.

4481. On that occasion did you increase the number of polling places?—On that occasion the law first came into force which scattered the polling-places all over the city, instead of concentrating them in one spot.

4482. Was the result of that to diminish mob intimidation?—Yes; the election of 1847 was a scene of the utmost confusion and disorder, but by scattering the polling-places all over the city, the mob were not concentrated upon any one spot; the only disturbance that we had was getting in the poll-books in the evening; the police were in strong force, and they brought in the poll-books; but there was one of them who was very nearly overwhelmed by the mob; the deputy was knocked down and the poll-books very nearly taken from him by the mob.

4483. Do you know anything about the Parliamentary elections since 1852?—Yes; I have been present at all of them.

4484. What has been the character of those elections, first, as regards bribery?—Excepting on very rare occasions there has been bribery on both sides.

4485. How was it as to treating?—No, there has not been much treating.

4486. Was it by direct money payments?—Yes, by direct money payments.

4487. As regards mob intimidation, how has it been?—There has not been much of that.

4488. As regards spiritual influence?—Spiritual influence is of course paramount on those occasions among the Roman Catholics.

4489. Is it the case that the Roman Catholic voters look to their priest to tell them how to vote?—Entirely, I imagine so; I cannot speak from my own personal knowledge, but I know in many cases where Roman Catholic voters have promised me to vote, in 99 cases out of every 100 they have broken their word, and I refer that to the influence of the priest, because they were otherwise persons who would have liked to have voted as I wished.

4490. But the influence of the priest was so great that they were constrained to vote against their own inclinations?—Yes, against their own inclinations.

4491. Then are you in favour of voting papers?—I think voting papers, combined with a very minute subdivision of the polling places, so as to bring only a moderate number to each place, would be the most efficient remedy that I can see.

4492. A remedy for what?—For preventing either intimidation or bribery.

4493. Voting papers are in use now to some extent in Dublin, are they not?—They are used for Poor Law purposes.

4494. Is it the case that in those elections the voting papers have been filled up at the Roman Catholic chapels?—Yes. I have just been a candidate myself at a Poor Law election, and have been defeated through the influence of the Roman Catholic clergy. Most of the voting papers were collected at the chapel, and of course they were signed there under the influence of the priests.

4495. Have you considered the question whether the ballot would be a remedy for the evils now complained of at those elections?—To introduce the ballot in Ireland would be to give the advantage all to one side, because Protestants do not want the protection of the ballot, and with very few exceptions they vote independently, but with regard to the Roman Catholic priests, they would have means of knowing how their people voted, which we should not.

4496. You think that the ballot would not be any protection from the priests?—It could not, because they would have to tell their priests that they had voted.

4497. When would they have to tell their priests how they had voted?—Whenever they were asked, and at confession, as a matter of course, but it would not necessitate that, because they would not refuse to tell the priest; they dare not.

4498. You think in no case would they refuse to tell the priest?—There are a few independent Roman Catholics, but very few.

4499. So that the priest would in every case be able to worm out of a voter how he had voted?—He would not need to worm it out, he would tell him at once.

4500. In that case you think the priest would have means to prevent the voter voting against his wish another time?—Yes, a Conservative would have no means whatever of knowing how a voter voted; he might say that he had voted for the Conservatives, when, in reality, he had voted for the other party.

4501. If you had a Conservative priest, I presume he could get the information out of the voter?—If there was such a thing as a Conservative priest.

4502. Putting aside the question of Conservative or Liberal, you think that in all cases a priest would be able to get the information from the voter?—Yes; there might be a rare exception of independence, but it is very rare.

4503. So that as regards Roman Catholic voters in Ireland, you think that the ballot would be no protection whatever?—You might just as well hand over the election, as far as the Roman Catholic voters are concerned, to the priests.

4504. At the present time, are Roman Catholic voters amenable to other influences besides that of the priest?—I think they are; I only speak of the county of Dublin, which is the only county I know

I know much about. I think, as a rule, they prefer voting for their landlords, from motives of self interest no doubt.

4505. Do the landlords exercise any undue influence over them?—They expect their tenants to vote for them. I daresay the other side would call that undue influence; but at the last election but one for the county of Dublin we had to bring all the country voters, or most of them to the city, and keep them there till the day of the election, to prevent them being worked upon by the priests.

4506. Then at all those elections it is generally a question with the country voters between landlord and priest, in the case of a Roman Catholic voter?—Very generally so, but sometimes they split and give one to the landlord and the other to the priest.

4507. And you think that if you had the ballot, and secrecy was maintained against the landlord, the priest would have the entire influence?—Every one of them would vote against us.

4508. Mr. *Edward Egerton.*] Did you not say that the voting in the municipal elections was personal voting?—Yes.

4509. Have you a system of the nominations of candidates, or how are the candidates brought before the notice of the community?—By advertisement, and that is one of the evils I should have mentioned. At Kingstown, people complain that instead of letting voters poll as the law allows at nine o'clock, they get up this humbug of nomination, by which considerable time is wasted in speech making.

4510. And that is the reason why the poll is not taken of those who attend?—Yes, generally speaking, they make long speeches in nominating candidates.

4511. For the purpose of shutting out the voters?—Yes, for the purpose of shutting out the voters. I entirely confine myself to Kingstown, because in Dublin it is perfectly free; every man in Dublin can vote without the least difficulty or delay.

4512. Do you think that the evils which you have spoken of would be remedied by having a greater number of polling places?—The evil is about to be remedied in this particular case in the Kingstown Improvement Bill.

4513. Does that Bill do away with the hours of nine and four?—No, it leaves the hours, but it cuts it up into small polling places, and it makes them have a register, which prevents the time being wasted in discussing the right of voters to vote.

4514. You alluded to the election for the county of Dublin, before this last one, when you said it was necessary to bring up the country voters and keep them in Dublin; will you state the reason why that was done?—To prevent them falling into the hands of the priest was the avowed reason.

4515. Had those voters promised to vote?—They had promised their landlords to vote.

4516. And you were afraid that in the interval means might be found to get them to vote otherwise?—Yes.

4517. Have you any acquaintance with elections in other parts of Ireland besides Dublin?—Not any.

4518. You speak from a general knowledge of Ireland?—Yes, from general knowledge.

4519. You think that spiritual influence is very largely exercised in elections?—Very largely.

4520. Is it a matter of notoriety that every Roman Catholic consults his priest upon all those occasions?—Not particularly consults him, but he takes the wishes of his priest.

4521. *The O'Conor Don.*] I think you have told the Committee that everything which you object to with respect to the municipal elections at Kingstown is being done away with by a private Act that is about to be passed?—I think that the evils will be very much remedied; I can speak with regard to my own township of Rathmines, that when there has been a contest, which has been some 10 or 12 years ago, there was no difficulty whatever in taking the poll.

4522. Do you believe that after the passing of this Act all those difficulties which you say exist at present in the way of voters recording their votes will be removed?—If honestly administered.

4523. How do you mean by honestly administered?—I consider that the Act at present is not honestly administered, because undue influence is thrown on to the side of the Liberal party, and in a new election they will inevitably return a majority of Conservatives.

4524. I understood you to say that the difficulties at present were difficulties arising from the smallness of the room, and from the consequent waste of time from the moment the poll opened till it closed?—Yes; but the chairman could remedy all that if he liked, because he has power to provide as many booths as he pleases at present.

4525. This Bill gives no further power in that respect?—It gives no further power in that respect, but it compels the division into wards.

4526. Of course each ward will have a separate chairman?—Yes.

4527. And a separate polling booth?—Yes.

4528. Therefore the new Bill makes compulsory what at present would be at the option of the chairman, namely, having more polling places?—Yes; I fancy the Bill also provides a barrister to oversee the register of electors.

4529. I understood you to say that very little bribery or corrupt practices prevailed at the municipal elections in Dublin?—Very little; not worth speaking of.

4530. You made an exception to that with regard to the north ward?—It was spoken of as having been done on one or two occasions by bribery in that small style, about 1 *l.* a head.

4531. Is that ward usually contested?—There are very frequent contests; I may say it is usually contested.

4532. Was it contested on the last occasion?—It was, and the man was turned out, because he had voted for a Protestant for the municipal election.

4533. It was a contest by two Liberals then?—Yes, by two Liberals; by a sort of Tory-Liberal, and an out-and-out Liberal.

4534. That ward is considered usually a Liberal ward?—Yes, certainly.

4535. It is not usually contested by Tories?—Not very frequently; Tories have no chance there at all; it was a fight between two Liberals.

4536. You stated that all rated inhabitants in Dublin vote at the municipal elections, is that so?—They are entitled to vote under certain conditions;

Mr. *F. Stokes.*

30 April 1869.

ditions; every rated person; it does not require to be a householder.

4537. Is there any qualification for being rated?—None at all, I think, except residence for three years and payment of taxes, occupation of a house, or keeping a counting-house, or some other things in the city; an actual residence, if not in the city, within seven miles of it.

4538. When you say payment of taxes, what taxes do you mean?—I think the poor rate, and some one or two others.

4539. Is any man rated to the poor rate in Ireland who does not inhabit a tenement over 4 *l.* in value?—Yes.

4540. Is that an exception in Dublin?—No, I think not; you may be rated anywhere where you claim to be rated and pay rates.

4541. You are rated upon claiming to be rated, is that what you say?—I cannot answer the question; I do not know how they get on, but I know they do get on.

4542. Persons inhabiting houses under 4 *l.* in value do get on?—Yes; there are very few in Dublin that come under that category; but the municipal contests are carried on so fiercely that every possible strength is got hold of.

4543. You stated, did you not, that those elections, as far as Roman Catholic voters are concerned, are all carried by spiritual intimidation?—I did not go so far as that, but it enters into every election, more or less.

4544. Will you explain what you mean by spiritual intimidation?—The influence which a priest has over the conscience of the members of his flock.

4545. The influence that he has in persuading a man that one thing is right and another thing is wrong, is that what you mean?—He will incur spiritual destruction if he does not take the priest's view of it; that is what I conceive to be spiritual intimidation.

4546. You conceive that spiritual intimidation is the influence which a priest, as any other person in the community, would have in persuading a man that a certain course was a right one?—The priest will say that voting against the Liberal party is voting against his God; that is the way it is put.

4547. Have you ever heard that expression used, or are you speaking now from hearsay?—It is a matter of notoriety; I have heard it, but I will not undertake to say it.

4548. You will not undertake to say that you ever heard that expression used?—Certainly not; I have heard it from the lips of Roman Catholics, and that was their view of it.

4549. Their view was, that if they voted against the priest they were voting against their God?—Yes, quite.

4550. Is this the way that Roman Catholics speak upon the subject?—Yes, that they are bound to look up to the priest for instruction, and to follow his direction.

4551. Because they believe the priest to be right?—Yes, because they believe the priest to be right, and to have the power of influencing them.

4552. Then it was no intimidation on the part of the priest, because those people believed that the priest's view must be right, and consequently followed it?—That is one way of putting it, no doubt, but there is a bodily intimidation as well, because if this man did not follow the directions of the priest, if he was rebellious, he would be very apt to get mob violence in addition.

4553. Then the intimidation is of two classes, the one being direct intimidation on the part of the priest?—Pressure, if you like.

4554. It is priestly pressure for a priest to tell a man who believes that the priest is right, that a certain candidate ought to be supported; that you consider priestly pressure?—Yes.

4555. In addition to that, you say that there is a second spiritual pressure brought to bear upon the voters?—I cannot call it spiritual pressure; I meant mob pressure.

4556. Mob pressure, induced through ecclesiastical or spiritual authority?—Quite so, supporting the priest's spiritual influence by physical influence.

4557. Do you believe that the priests enforce their spiritual influence by this mob intimidation?—Yes.

4558. Is that carried on to any great extent?—Not in Dublin.

4559. Neither in the county, nor in the city?—Neither in the county, nor in the city.

4560. You stated to the Committee that upon a certain election in the county, the Conservative party had to take their voters into Dublin?—They brought a large number of them in, some couple of hundred.

4561. How long before the election?—A week I should think, quite.

4562. How did they bring them in; was it in large bodies?—That I cannot answer, but I believe it was in large bodies.

4563. Did they come in accompanied by military or the police?—No, they came in by themselves.

4564. Did the voters walk in by themselves?—They came by railway train, I presume, and they were entertained at various hotels in Dublin.

4565. They were, in fact, treated during that week?—Yes, they lived like fighting cocks that week.

4566. You did not consider that that was a breach of the Corrupt Practices Act?—I am very sure it was, but nobody did the treating; how it managed was not known to anybody.

4567. Did the voters pay for their treat that week?—No, certainly not; I imagine they did not; indeed I know they did not, but somebody paid for them.

4568. Some one on the Conservative side?—That is a fair inference.

4569. And you stated that they were brought to Dublin a week before the election in order to take them out of the reach of ecclesiastical influence?—Yes; on a former election, I believe, they were sent away altogether down to the country, out of the way of the election, so that they could not have been polled at the election by the opposite party.

4570. In those cases is it the landlord that brings the voters in, or do the men come in of themselves?—They come in, I think, rather in neighbourhoods, a body from one neighbourhood. I do not think that the landlord exactly brought them in, but they came in considerable bodies.

4571. Did they express a wish themselves to come in?—I did not see any of them, so that I cannot tell.

4572. You never heard that they did?—I did hear that they did; that they did not wish to be found at home.

4573. You have been mixed up a good deal with

with those elections, you say?—In the county of Dublin I have taken a deep interest in all of them.

4574. Have you belonged to any Conservative committee?—No, I never formed part of any political combination of any kind.

4575. Have you never heard that a Conservative landlord would be requested to send in all his tenants a week before?—I think it is just probable, but I never heard of it.

4576. The vote of his tenant would be considered to belong to him?—I cannot put it so strongly as that in the county of Dublin, because they are tolerably independent, but most of the Conservative landlords in the county of Dublin are very popular, and the tenants, as a rule, unless there is strong pressure on the other side, will vote with them; and they always have voted with them of late years.

4577. A Conservative candidate who wanted Roman Catholic occupiers to vote for him would go to the landlord; I suppose he would not go to the tenants?—He would go to both, I believe; he would probably go to the landlord first, and go round with him to the tenants.

4578. He would not suggest to the landlord, have all your Roman Catholic tenants brought in a week before the election?—I am sure he would not be such a fool as to suggest it himself; he could leave it to somebody else to do that.

4579. But it would be done on his behalf, would it not?—I think it very probable.

4580. Between those two forces that you have mentioned, this ecclesiastical intimidation and this landlord pressure, carrying in voters before the polling day into a town and locking them up, what is the difference?—They were not locked up; they were perfectly free; they took a lot of them to the Exhibition on purpose to show that they were free.

4581. Who took them to the Exhibition?—Somebody in charge of them who attended to their wants. I do not mean that they were in custody. I mean that they were in the charge of persons waiting upon them and keeping them together.

4582. They were kept together, were they?—Yes, they were kept together, of course.

4583. They were not allowed to go out as free men into the city, individually, as they wished?—I think it is very likely they were not.

4584. They were under a sort of surveillance?—They could have gone as they liked, but they kept together as a matter of understanding.

4585. As a matter of understanding, will you explain why they were kept together, if they were quite willing to be in those places that were provided for them?—They were not kept in the house; they went out whenever they liked, but I apprehend they did not let them scatter, because it would have been a hard matter to get them together again.

4586. Why would it be a hard matter to get them together again, if it was their own wish to be there?—That I cannot tell you.

4587. At all events, they were not allowed to scatter?—I fancy not.

4588. When they were at the Exhibition, were they brought in a body, under the charge of one leader?—A gentleman of the party went with them, and took and showed them round, because it had been charged upon us at the nomination that they were imprisoned.

4589. In order to show that they were not imprisoned, they were sent there under the charge of a certain individual?—There was a gentleman of the party went with them.

4590. Only one gentleman?—That is all.

4591. He would see of course if any one of them made an attempt to separate himself from the rest of the party; that was the object of sending him?—There was not any likelihood of their separating, because they were getting too good living; that was about the best thing towards keeping them together.

4592. If that be the case, I want to know why they were sent out in a body at all; why they were not left to walk about the city just as they pleased?—I think it was done in answer to a charge made at the hustings that they were imprisoned.

4593. You think letting them out at all, even in a body, was merely done in answer to that charge?—I think it very probable.

4594. You think that but for that they would not have been let out at all?—I do not know that; I do not know that they were not let out; you are assuming that.

4595. You told us that they were let out in a body?—They were kept together, that is all I know.

4596. From that we should naturally conclude that they were not allowed to go individually into the city if they wished?—They would go if they liked, but poor country people from a country place were not likely to go straying about the city, but they might have gone if they had liked.

4597. Do you consider that at present there really is freedom of election at county elections in Ireland?—Certainly not; in the country parts of Ireland certainly there is no sort of freedom, but I know nothing personally except of the county of Dublin.

4598. You were asked a question with respect to what effect the establishment of the ballot would have, and you stated that it would be to hand the Roman Catholic voters altogether over to the Roman Catholic clergy?—Yes; because they would have the means of knowing which way a voter voted, and the opposite party would not.

4599. In what way would they have the means of knowing which way a voter voted?—They would disclose it, as a matter of course, to their priests.

4600. Of their own free will?—Of their own free will.

4601. Without any intimidation on the part of the priests?—No, no intimidation; they would answer the question the same as I would answer what o'clock it was.

4602. With regard to those voters who would vote according as the priest wished them, do you think, if a man voted differently from the way the priest wished him, he would tell him in that off-hand way?—He would not dare to vote any other way than the priest wished him, because he could not keep it secret; he would have to tell it in confession, if he did not tell it before.

4603. Are you aware of that; do you know anything about the confessional?—Nothing at all.

4604. Still, not knowing anything at all about the confessional, you state here that the priest would find it out in confession?—I have no doubt of it; I am giving my opinion and belief.

4605. What is the ground of your opinion and belief when you tell us you know nothing about it?

Mr. F. Stokes.

30 April 1869.

it?—I am not a Roman Catholic, therefore I cannot tell you anything about the confessional.

4606. Although you know nothing about the confessional, you express your opinion and belief that it could be found out in the confessional?—I have not a doubt of it.

4607. What is the ground for that opinion?—Common intercourse every day with Roman Catholics, and knowing the footing that they are upon with their spiritual confessors from public notoriety.

4608. What do you mean by public notoriety; has there been any notorious case?—No; but you would just as soon think of questioning that the sky was above you as that a priest had power to get any information he wanted.

4609. Through the confessional?—Without going to confession at all.

4610. You stated that through the confessional the priest would find out how this man voted?—Because I believe that in confession they must answer any question that is put to them.

4611. You believe so?—Yes.

4612. But you do not know?—I do not know.

4613. What is your ground for that belief?—It is difficult to define the grounds of belief; it is an impression that has come upon me from long residence in the country.

4614. Have you any other ground than that, because you have told us that you know nothing about the practice of confession?—Nothing.

4615. If the ballot were established, one description of this spiritual intimidation would be done away with, namely, that carried on by mobs influenced by the priest, would it not?—I do not think so at all.

4616. Why not?—Because in Ireland every man's politics are just as well known as the noon-day, and Conservative voters would be intimidated whether they were going to the ballot, or whether they were going to vote openly, if there was a chance of intimidating.

4617. I am speaking of spiritual intimidation brought to bear upon Roman Catholics; you told us that the spiritual intimidation at present was twofold; first, upon the individual in persuading him that a certain course was the right one, and, secondly, by making him afraid that if he voted differently from how the priest told him the priest would induce his Roman Catholic neighbours to do him injury?—It would to some extent; but if this mob of people knew that Thady or Tim were going to vote against the priest, they would very soon bring intimidation to bear even with the ballot.

4618. Do you think that if Thady or Tim were going to vote against the priest, he would tell him of it?—I do not think he would, as far as that goes.

4619. Therefore, as far as that goes, the ballot might be an improvement upon the presen system?—It might, as far as that goes.

4620. At present spiritual intimidation, as exercised, destroys freedom of election, you say?—I think it does; I think, as a rule, Roman Catholics are willing to vote with their priests, but if a man is unwilling to vote with him he has no chance of carrying out his wish; I am not putting the case that every Roman Catholic voter who votes for a Liberal candidate does it because he is intimidated; on the contrary, most of them might be inclined to do so, but a man has no chance of breaking away from that party without being intimidated.

4621. But if the ballot were in existence, he would have a chance of doing so?—He would not have a chance, because he would have to disclose it to his priest.

4622. Do you mean that he would have to disclose it, whether he wished it or not?—Not a doubt of it.

4623. It might occur that a man wished to conceal how he voted, but you say he would be obliged to disclose it to his priest?—I have not a doubt of it.

4624. Sir *George Grey.*] With regard to those persons that you have been speaking of, who were brought to Dublin and kept there a week before the election, to keep them out of any priestly influence, how soon were they sent back to their homes after they had voted?—Directly. The polling place was in the neighbourhood of their places of residence; they went down in a special train on the morning of the election, and voted, and the thing was done.

4625. And the priests, of course, knew how they voted?—Yes.

4626. Then did any consequences result to them on account of their votes?—Nothing in particular; there were a few ricks burnt and a few cottages wrecked, and so on.

4627. I want to know whether the priest exercised any influence or control over them, or whether they suffered any spiritual censure or punishment for having voted contrary to his wish?—Not that I know of, nor have I any reason to suppose it was so.

4628. You have been conversant with the elections in the county and city for some time; have you been professionally engaged in them?—Never. I only went to take the part of the sheriff professionally, but I did not act professionally.

4629. You said, did you not, that money payments were made on both sides at the election?—That I believe. I have no knowledge personally.

4630. Do you mean not generally; do you confine it to a particular class of voters?—It was chiefly among the freemen, but it was also among the poor householders.

4631. To a great extent?—I will not say to a great extent. For instance, the Liberal candidate had 650 freemen at the election before the last; at the last election he had only 300, and I assumed that no doubt the remaining 350 were all bribed.

4632. How do you account for the diminution in the number of freemen who voted for the Liberal candidate at the last time; do you think it was owing to their being bribed?—I do not suppose he bribed at all the last time.

4633. Then the bribery was all on one side this last time?—I think it is quite likely; in fact we have had it proved that it was so.

4634. Did the money given to this low class of voters counteract the influence of their priests, or was it not the same class of voters?—Not in the slightest degree, because the freemen are all Protestants without exception, or with very rare exceptions; I do not suppose that out of 3,000 who are freemen there are 10 catholics; they would not admit a Roman Catholic at all into our corporation.

4635. Are the Committee to understand that bribery operates upon the Protestants, and priestly influence upon the Roman Catholics in Dublin?—Both parties are open to bribery; it is not only the Protestants who are bribed, but both classes are bribed, but the Protestants I should say to the greatest extent.

Colonel EDWARD S. HILL, called in; and Examined:

4636. Mr. *Hunt.*] YOU are in partnership with your brother as a ship builder at Bristol and Cardiff?—I am.

4637. And a large employer of labour at both places?—Yes, we are.

4638. You are a colonel of volunteers at Cardiff?—Yes.

4639. And a member of the town council?—I am.

4640. Did you take an interest in the Bristol and the Cardiff elections?—I did.

4641. The polling day was the same at Bristol and at Cardiff, I think?—Yes, it was.

4642. You voted, did you not, in the morning at Bristol, and you returned to Cardiff to vote?—I did.

4643. What time did you arrive at Cardiff on your return from Bristol, on the polling day?—Ten minutes or a quarter past 12.

4644. In what state did you find the town of Cardiff when you returned?—A very excited state indeed.

4645. More excited than the town usually is at a contested election?—Yes, I think it was.

4646. Did you go to vote shortly after arriving at Cardiff?—I did; immediately on my arrival I proceeded to the polling booth.

4647. Had you any difficulty in getting to the poll?—Yes; almost close to the railway station I was attacked by a mob, I suppose 150 of them altogether wearing the colours of the Liberal candidate. They first of all began with abuse, then they took to flinging mud and filth at me, and eventually they took to stones and brickbats; several of those stones struck me; one struck me on the forehead and cut my forehead open; I believe if I had not been able to beat a hasty retreat into a public-house close at hand, I should certainly have been killed, and if I had not succeeded in stopping one stone with my umbrella, it would have given me a very severe blow indeed; in fact, after I got into this public-house it was beseiged for some time, but eventually I succeeded in getting away from them, and recorded my vote.

4648. Were you assaulted more than once?—Yes; I was assaulted again in driving in a cab from the place where I recorded my vote through the principal street of Cardiff to the central committee-room; the cab was stoned and the mud flung into it.

4649. Was yours a singular instance of assault, or was it the case that voters generally were assaulted who were on one side of politics?—Yes; it was so much so that not only was a voter not safe in going down the street wearing the Conservative colours, but he was obliged to wear the Liberal colours.

4650. Voters were obliged to go to the poll in the guise of Liberal colours, to protect them from the mob?—Yes; it was quite unsafe for any person wearing a blue favour, which was the colour of the Conservative party, to walk down the street.

4651. Supposing you wore no colours at all?—We should have been equally unsafe; we abstained from wearing colours. At one time the town was in such a state that the stipendiary magistrate read the Riot Act.

4652. Had the reading of the Riot Act any effect?—There was a charge of police afterwards; an hotel had been attacked at that time, which was an hotel favourable to the Conservatives; the state of seige, so to speak, was raised, but there was a great deal of stone-throwing, and the magistrate was struck even while he was reading the Riot Act.

4653. Do you know what the mob was composed of; were they residents in Cardiff?—Yes; but there were no doubt importations from the surrounding hills, the mining parts of the district.

4654. Do you think that they were persons brought there for the purpose?—I could not say that; I think that there is no doubt there was an organised mob, in fact it showed itself on several occasions; there was no doubt that there was an organised mob at the nomination, on the part of the Liberals, for they would not listen to a single word from the Conservative candidate, and there were mobs at other times that met at a particular place.

4655. Are you acquainted with Mr. Shirley, Mr. Giffard's agent for the election?—Yes, I know him very well.

4656. Do you know anything about the attack that was made upon him?—Yes; I know that he went from the committee room to the town hall: I saw him start and I saw him come back with a gentleman, who also was assisting at the committee, and they were both injured and pulled about.

4657. Were you present the day after the election at a meeting at which Mr. Giffard addressed his supporters?—I was.

4658. Were there persons present there who showed signs of the ill-treatment which they had received at the election; that is to say, did you notice any marks of wounds on the heads of persons present at that meeting?—I do not recollect having done so; of course there was my own case.

4659. Do you think that the mob-intimidation had any effect upon the poll?—I have no doubt of it.

4660. Do you think that many persons were deterred from voting?—I am quite sure of it.

4661. Do you think that many persons were made to vote contrary to what they had intended by reason of the intimidation?—I should think it was very likely it would have that effect.

4662. Is that kind of intimidation a usual thing at Cardiff?—I have not had experience of a contested Cardiff election before, therefore I cannot say.

4663. Mr. *Gathorne Hardy.*] There had not been a contest for some time, had there?—No, not for something like 11 or 12 years.

4664. Do you remember the numbers at the close of the poll on this last occasion?—Not accurately.

4665. Mr. *Hunt.*] The number polled for Colonel Stuart was 2,501, and for Mr. Giffard 2,055?—Yes, as near as I can recollect.

4666. Mr. *Gathorne Hardy.*] Were you acquainted with the result of the canvass at all?—No, I do not know that; not positively; I have heard of it.

4667. Mr. *Edward Egerton.*] Can you say who organised those mobs?—No, I cannot name any one.

4668. Mr. *Raikes.*] Did the Dissenting ministers take

Colonel *E. S. Hill.*

30 April 1869.

take any very active part in the election at Cardiff?—Yes, they took a very active part indeed, by holding meetings in their chapels, and other means.

4669. And bringing, I suppose, a great deal of pressure to bear upon the members of their own body?—No doubt of it.

4670. On which side was this influence exercised?—Upon the Liberal side; I know one or two instances of my own men, in which it was exerted in a very strong degree.

4671. Are you aware of any cases in which persons who had promised to vote for Mr. Giffard were induced afterwards to vote for his opponent by any pressure of that sort?—I know two cases in which it was attempted.

4672. Those ministers, I believe, exercise very considerable spiritual influence over persons who are members of their congregation?—No doubt.

4673. Mr. *Leatham.*] Were there many arrests?—There were not very many; there were some.

4674. Any convictions?—Yes, there were some convictions.

4675. Do you remember how many?—No, I do not.

4676. Were they all confined to one party?—To the best of my belief, they were.

4677. To the Liberals?—Yes; but I cannot speak quite positively upon that point.

4678. At the nomination you said that the Conservative candidate was not listened to; was the Liberal candidate well listened to?—He was. There was no attempt on the part of the Conservatives to bring any body of men there at all; but the Liberals had a large party, and they marched up in a body and took possession of the front of the hustings.

4679. You spoke of intimidation by Dissenting ministers; Dissenting ministers are maintained by their flocks, are they not?—I believe so; I do not know.

4680. Do you think it is likely that a man who is dependent upon his flock for his maintenance, would exercise intimidation upon them?—No; but I cannot say.

4381. Sir *George Grey.*] Did the clergymen of other denominations take an interest in this election?—Yes.

4682. The clergy generally took an interest in the election, did they not?—Yes.

4683. And they exercised what influence they possessed?—Yes.

4684. You said you voted at Bristol; had you any difficulty in getting to the poll there?—No; I voted early in the morning, just shortly after the poll opened in Bristol.

4685. There was no difficulty in getting to the poll then?—There was a crowd around the poll, but it was all good humoured; there was nothing going on wrong at all; I left Bristol at a quarter to ten.

4686. Have you any suggestion to offer to the Committee to remedy proceedings like those which you have described at this election?—I think that mobs should be prevented by force from intimidating and molesting the electors; and although I have not gone very deeply into the matter, I am inclined to favour the suggestion of voting papers under proper safeguards.

4687. Have you had any experience of the system of voting papers at elections for poor law guardians?—Yes, I have used them for voting.

4688. Do you know what the number of the police of Cardiff is?—I think there are about 60 police in the town; and there is another body of police paid by Lord Bute for the care of his docks, called the Bute police.

4689. Were they on duty; did you see them in the streets when those proceedings were going on?—Yes.

4690. Did they give what assistance they could to persons who were so assaulted?—Yes, certainly they did. In fact, in the instance I referred to of the gentleman who accompanied Mr. Shirley, if there had not been a sortié made by the police there is no doubt that he would have been very seriously injured; he was down then and about being trampled upon.

4691. *Chairman.*] Have you any other suggestion to make?—No, I am not aware of any.

4692. Mr. *Raikes.*] You said that the clergy took an active part on the other side in the election?—They took a part, but not so active as the others; some more and some less.

4693. Did they use what may be called spiritual influence?—I do not think they did.

4694. Did they preach political sermons or anything of that sort?—I never heard of anything of that sort being done by them.

Mr. Thomas Colborne, called in; and Examined.

Mr. *T. Colborne.*

4695. Mr. *Staveley Hill.*] Are you a Solicitor practising at Newport, in the county of Monmouth?—I am.

4696. You have had some reference in connection with the Parliamentary elections in the counties of Wilts and Monmouth, have you not?—Yes, both for boroughs and for counties.

4697. Your father was living at Chippenham, was he not, and you were very intimately connected with the Chippenham election of 1865?—Yes, I am a Chippenham man, and my father was one of the oldest medical men who lived there, who lived to be over 80 years, and had been in practice there for some 50 years, and I think was bailiff, that is mayor of the borough, when we had the honour of the late Sir Robert Peel being our Member, and he was three times mayor after the passing of the Municipal Corporation Act.

4698. So that your father and yourself were both very well known as belonging to one particular party in Chippenham?—Yes. I have left Chippenham some years, but my father was there till his death about a year ago, and had never left the place.

4699. At that election in 1865 a disturbance took place at Chippenham, I believe?—Yes, a very serious riot; about 50 houses were attacked.

4700. Did those houses all belong to one political party?—I believe so, without an exception.

4701. Your father's house was amongst those that were damaged, was it not?—Yes; my father was very aged then, and his house was attacked, I think, about 10 o'clock at night of the polling day, when he was lying in bed.

4702. Two Conservatives had been returned, had they not?—Chippenham then had two Members, and two Conservatives had been returned; there was one Liberal candidate, but the two who were elected were Conservatives; Sir John Neeld and

and Mr. Goldney were the Conservative candidates; Mr. Lysley, the Liberal candidate, had been previously Member; he had sat for Chippenham from 1859 to 1865.

4703. Had the election been conducted quietly? There had been no disturbance till towards the afternoon, and no actual outbreak until after the election was over; I believe that the first real disturbance in the way of breaking windows did not occur till about 6 o'clock; of course, the poll closing at 4 o'clock, and being a small borough, the return would be made very shortly after. At 6 o'clock the disturbance commenced, but it abated, and was resumed, I think, somewhere between half-past 8 and 10 o'clock, and rather later the violence raged, and the attack upon my father's house was as nearly as possible about 10 o'clock.

4704. Sir *George Grey.*] Then it could have had no effect upon the actual return, because it was all after the election had closed?—There had been a previous gathering, but there was no outbreak in the way of actual damage till after the close of the poll.

4705. Mr. *Staveley Hill.*] It was long after the closing of the poll that the principal damage, in fact all the damage, was done to the houses?—Yes, I believe that the outrageous attacks were all later in the evening and in the dark.

4706. Was there any claim afterwards made upon the hundred for the damage that was done to the houses?—Yes, there were claims, I believe, to the number of 50 for compensation; the majority of the claims were under 30 *l.*, and in those cases the Act of George the Fourth provides that application for compensation shall be made to the magistrates in petty sessions as a claim against the hundred, but where the amount claimed is over 30 *l.* it is to be by process in the superior courts against the hundred.

4707. Was the opinion of Mr. Hannen, now Mr. Justice Hannen, taken upon that point, as to whether there was a liability by the hundred for the damage that had been done to the houses?—Yes, and the decision of the magistrates was in accordance. The opinion of Justice Hannen was not taken by the magistrates, but by the claimants, and they were prepared for having that interpretation put upon the Act, namely, that to recover from the hundred there must be an intention, not of personally injuring the inhabitants of the house and of breaking the furniture, but of demolishing the building; in fact, there must be an animosity against the bricks and mortar.

4708. Were any claims paid?—Not a single claim was allowed; the magistrates were so advised after the hearing of the case; of course there was a failure of evidence that the intention was to pull a house down in any case.

4709. Were any parties to the riot brought up before the magistrates?—Yes, and they were committed for trial at Salisbury; and I believe various sentences of imprisonment were given against them, varying I believe from four to six months; I think about 16 persons were apprehended and sent for trial to Salisbury.

4710. How were those men defended?—Funds were provided in some shape or other; I have no certain knowledge upon that subject.

4711. Now let me bring you to the Monmouth borough election in the November of last year; will you tell the Committee what took place about the disturbance at that election?—I had the charge of about one-half the town of Newport; that is to say, the control at the central rooms of the returns and the management of the election for about one-half of the town; therefore I was not out much during the day, because it was my place to be in the committee-room; the town became at an early hour in a great state of excitement; there was a great crowd, commencing, I believe, with boys either from the factories, or those who were idle, and gradually bringing within its scope the women and then the men.

4712. When was the commencement of the attack with regard to the poll?—By the middle of the day there was an attack upon one hotel; a small hotel known as a blue house. This was 12 o'clock on the polling day; it was not one of our largest hotels; it was one of our very respectable inns, in nearly the most public thoroughfare. That house, so far as the windows, and so far as the bar furniture were concerned, was completely wrecked. Then I do not know that there was much stone throwing after that till the evening: this was rather an isolated case of any attack during the middle of the day, with the exception of passages of arms between the mob and the police.

4713. Was there such intimidation by the mob, in your opinion, as to prevent voters coming to the poll?—For myself, passing up from the committee-room to the place where I had to record my own vote about half-past ten, there was that state of gathering together, and of excitement in the town, which upon people of timid nerves would certainly have a very deterrent effect. I tell you candidly, I should not have dared to have exhibited any colour myself. I should have done it only at the risk of my life.

4714. Did this rioting continue at all after the close of the poll?—Yes.

4715. To what extent?—There was an attack made in the same manner as at Chippenham upon the houses of some of the most conspicuous Conservatives; that is to say, of Conservative tradesmen; Conservative hotels, and a Conservative newspaper office; all in the main thoroughfares.

4716. What were the class of people who were engaged in this matter?—The class of people who were apprehended were mostly, I take it, the labouring class, men connected with the wharves or docks.

4717. Were there any people who could be discovered as instigating or setting on the mob?—No, we have never obtained any information as to the ringleaders. We memorialised the Home Secretary for an inquiry, and we memorialised the Town Council to offer a reward, which they did, of 20 *l.* for the apprehension of the ringleaders; but I am not aware that a single ringleader was apprehended.

4718. I think we understand you to say that there was no such intimidation as to prevent persons polling?—I say that a man must have been a very bold man to face the mob.

4719. But do you know any instances yourself?—Reports were brought to me, but I cannot say otherwise than from the appearance of the streets when I myself went to record my vote, there was that sort of tremor and agitation which would act upon a nervous person.

4720. Were the constituents pretty well polled up?—No. I believe there were a good many absent who could not be accounted for; that is to say, who had promised and were not, and who could

Mr. *T. Colborne.*

30 April 1869.

could not be, brought up to the poll. Our returns failed us. I have, perhaps, myself not very much reliance in the value of canvassing, but still our returns failed us, I think, by 400 or 500.

4721. What was the amount of damage done that day at Newport?—The riot was resumed on the next day, the day after the election, and the amount of damage sustained on the two days was about 400 *l.* spread over 90 claimants; it was principally windows and perhaps some small furniture.

4722. Do I understand you to say that that was going on all the next day?—On the next day there was just that scene in the streets that there would be a row. I felt myself so certain of it that I applied to our magistrates. I went and saw two or three magistrates, mostly gentlemen I am well known to, and I said, "You ought to take measures for preventing the rioting being resumed, and you ought to issue a proclamation begging all people to remain at home; it would be no harm to those who are quiet to do so." This was not done. The police were all kept indoors. I think there were 90 in the town. The mob, in the evening of the second day, got the upper hand, and again attacked a great many Conservative houses, and the damage upon the two days (I cannot distinguish one day from the other), as claimed before the magistrates, was about 300 *l.* or 400 *l.*

4723. Sir *George Grey.*] Do not you think that if proper provision had been taken by the magistrates, they might have put an end to this rioting, which lasted, according to your account, two days after the election was over?—I do.

4724. Mr. *Staveley Hill.*] Were any of those claims paid?—Those claims were all disallowed upon the same principle as the claims at Chippenham.

4725. At the Monmouth county election what took place?—At four different iron works, Tredegar, Pontypool, Abersychan and Blaenavon, at each of those polling districts, the Liberal candidate was in a majority, but on the aggregate of the county, he was in a minority. About the time varying from two to four o'clock in the afternoon of the polling day, when the returns went into each district of what the aggregate voting was throughout the county, it being divided probably into 10 or 12 or more districts, the rioting commenced at those four districts. I had myself a telegram from my clerk stationed at Tredegar about half-past two, that the window smashing had commenced at that time, and that the mob were getting very tumultuous.

4726. At all those four places was the rioting about equally as bad?—At some of the places certainly the outrages were worse; they went to the length of getting into a house, destroying the furniture, and turning (where it was a public-house) the wine or spirits into the street and drinking them, and they actually cut the gas-pipes to set the house on fire.

4727. Sir *George Grey.*] Where was this?—It was at Abersychan, one house, and another house at Blaenavon.

4728. Mr. *Staveley Hill.*] One of them was the "Red Lion" public-house belonging to Mr. Morris?—Yes, Mr. Morris was the tenant, and Mr. Williams was the landlord. In those large iron works in the county, there were in each of them polling places.

4729. I believe those places were destroyed, speaking especially of the "Red Lion" in Blaenavon, an old woman's shoe shop, and two or three other houses, all belonging to persons of one political party, but not places at which any committee-rooms were held?—I am not aware that there was any committee-room; the hotel at Blaenavon attacked was the most important one I think in that place.

4730. I believe that the unfortunate proprietor of that had 1,800 *l.* worth of damage done?—Yes; he received 750 *l.* from the hundred, because they considered there had been an intention there to demolish.

4731. What was the total amount that has been calculated of damage done on the claims over 30 *l.*?—I have the returns, and they run into thousands.

4732. How much was it altogether?—The claims for that district of Abersychan, Blaenavon, and Pontypool, were something like 1,800 *l.*, as allowed and paid by the hundred. It is right that I should say that the greater portion of the damage sustained is not considered within the provisions of the Act, that is to say, if money were taken or spirits, I believe the hundred would not allow for it; it is confined to the actual structure of the building.

4733. Mr. *Locke.*] How much was claimed altogether?—One man claimed 1,000 *l.*, and he was allowed 414 *l.*

4734. Mr. *Staveley Hill.*] How much was it altogether?—In one district, speaking roundly, the claims appear to have been 4,900 *l.*, that is to say, the claims above 30 *l.*, and the allowance was 1,750 *l.*; they are to have that amount of compensation from the hundred.

4735. They gave a judgment upon the district, did they not?—The process is, that the verdict or claim is allowed against the hundred, and the clerk of the peace then has to levy something in the nature of a county rate, or rather a hundred rate, upon the inhabitants of that hundred to raise the amount.

4736. Have you got altogether the amount claimed in the whole counted for those places?—No; the claims at Tredegar above 30 *l.* were allowed at about 400 *l.*; as to the minor claims under 30 *l.*, I would say that about 150 *l.* was allowed, that is rather under the mark.

4737. Do you know whether the claims altogether that were made by the whole of the sufferers were about 12,000 *l.*?—I have the returns from each district, but I do not know the whole amount; the claims, as far as they made them in one district, were 4,900 *l.*; in another they were about some 500 *l.* or 600 *l.*; and then there were some minor claims disallowed, amounting to another 150 *l.*; the amount claimed, I should say, one might take at from 6,000 *l.* to 6,500 *l.*; if we were to take it at from 6,000 *l.* to 7,000 *l.* for the county, not speaking now of the borough of Newport, that would include above and below 30 *l.*; but of course that is only in round figures.

4738. And this was all done in the course of some two hours on the polling day, was it not?—No; it extended till late in the evening; and it was only stopped by the interference of the military, who were sent to the places attached to Tredegar, to Blaenavon, and to Abersychan, I believe; we have one of Her Majesty's regiments at present stationed at Newport; they telegraphed from the different places to the officer in command to send the men off in the afternoon or evening to the different places where the disturbances

turbances had commenced; I believe that in the absence of the military the amount of damage would have been something fearful, because at places like Abersychan and Blaenavon there are what are called companies' shops; and the stock at an iron company's shop might be 10,000*l.* or 15,000*l.*, and if those had been attacked (and they were threatened) it would have been a very serious thing for the ratepayers.

4739. Did the military arrive about eight or nine o'clock?—Yes; they were sent from the different railway stations to the places attacked; I saw some of them on the way back.

4740. Did the magistrates take every step that was possible to stop the riot?—The county magistrates took what steps they could, but at those iron works there was only one magistrate and the usual complement of police, numbering three or four; therefore, they were perfectly powerless unless they had special constables, and unless the military were sent for.

4741. Was there anything to show you that there was any possibility of getting at the persons who led the mob or the ringleaders, as to who they were?—There was great difficulty in identifying those who had fomented the riot; of course some of them who were actually caught in the act were apprehended.

4742. To what class did those people belong?—The bulk of them were workmen belonging to those works that I have been speaking of, and some of them were bearing, up to that time, respectable characters.

4743. Were there 48 tried at Monmouth and 38 convicted?—I think so.

4744. Thirty-eight were men of very good character indeed, and good workmen?—Yes; I saw from the report that their characters were spoken to by different witnesses.

4745. As to Blaenavon, was it not the case, that at the beginning they were all, as far as you could find, perfectly sober; but that by the time they had gutted three or four public-houses and drunk the spirits, they had got into a state of almost mad drunkenness?—I believe that was it; they took beer at some places, and in others, in order to satisfy them and to stave them off, I believe, beer was supplied under the implied promise that they would not attack the house.

4746. Which promise they failed to keep when they had the beer?—Yes.

4747. Have you any suggestions to make with regard to the mode of stopping this?—In the first place, the state of the law with regard to compensation is most defective and anomalous. You may have one construction placed upon the Act, as I have known to be the case in one district, and all the parties injured compensated, and you may have another construction placed upon it a few miles away, and none of the parties injured receive compensation. And in the next place, I think that if it could be brought home in some way or other to those who were responsible for the proceedings, it would act as a great check, and would make them policemen and preservators of the peace.

4748. You mean, if they could in any way be shown to have been a party to the damage which had been committed under their auspices, they should pay for it?—Yes, but unfortunately those who are apprehended are not generally men of means that could yield any amount of compensation, but I attribute this in some way to their having been fomented or aggravated beforehand, or led on by others.

4749. Do you think there is any necessity for an increase of polling places?—No, I think that we have enough polling places; I think that if you could have the polling place where there is not a large mass of workmen like at the ironworks assembled, it would be better; if we could have polled them on the top of the mountain, the mountain air might have cooled them; but I am afraid that is an impracticable suggestion. It was told me that it was a very wrong place to have a polling place in the middle of a population like this, among a set of manufactures, especially of the class of the ironworks, because all our riots were at the ironworks.

4750. Have you any other suggestion to make?—If it would not be considered presumptuous, I should like to make another suggestion. In the first place, whoever the party may be by whom in any way the riot or outrage was fostered, they should be rendered directly responsible. It is quite true that men of respectability do not take a part as a general rule in those acts of violence; but I think that they do not take sufficient measures to prevent them; and I certainly am satisfied that they do not take or aid in taking afterwards, sufficient measures to detect and apprehend the parties who have been guilty.

4751. Sir *George Grey.*] What is your suggestion upon that point?—If you can in any way by such means as the Committee may devise visit this act upon those in whose assumed interest this outrage was committed, I do not think that the outrage would take place; if the parties committing it knew that their friends would suffer for it, or the cause which they espoused, I think it would have a deterrent effect.

4752. Do you mean that the defeated candidate should be responsible?—No, it is not always the defeated candidate; I say this, that when, as in the case of the Newport election, a riot had been committed by those who ostensibly wore the colours of the elected candidate, I would bring it home to the party, just the same as I would bring home to him any act of bribery or treating on the part of his committee or his supporters.

4753. Mr. *Locke.*] That is to say, if those persons were acting as his agents?—No, I say this; if it is ostensibly a body of his supporters.

4754. Sir *George Grey.*] If intimidation is committed by persons who come within the law of agency, and are considered to act as agents for the candidate, is he not in their hands?—Yes; but I am afraid that the agency of those gentlemen would be no rule, because they are not generally selected as open and avowed agents. The question has been mooted, would those riots have been in any way prevented by the ballot? Without saying one word as to the efficacy of the ballot in other directions, I feel satisfied that the ballot could not be a protection to anyone whose principles, like my own, were known; that there would not have been a single house less attacked, or a single man's head less broken, in the elections that I have referred to, by passing the ballot, because the men who are attacked are those who generally speak at meetings, or write letters, or are known and associated with the candidate and his friends.

4755. Mr. *Leatham.*] You think that the ballot, in a case of this kind, would not be at all efficacious?—I feel certain that not a tittle of the

Mr. *T. Colborne.*

30 Arpil 1869.

damage, which I have spoken of, would have been obviated by the ballot.

4756. You stated that the riot was owing to the state of the poll having become known in the course of the day?—It occurred at the time when the returns would be coming in.

4757. It was due to the state of the poll becoming known; of course under the ballot the state of the poll would not have become known?—Quite so.

4758. Therefore, in that point of view, the ballot would be useful?—Yes; but in the case of Newport, the serious part of the riot was some time after the election was over.

4759. I am speaking now of the Monmouthshire election?—Quite so; the poll, as you are aware, cannot be, and is not declared sometimes for a day or two afterwards.

4760. Was the Monmouthshire election a free election; did the tenants generally vote without the exercise of any coercion on the part of their landlords?—I am not aware of any coercion on the part of the landlords; if you ask me whether the agents of the landlords did canvass, I have no doubt they did.

4761. Were not the charges very general that the coercion was almost universal?—Those charges were made, but I do not believe in them.

4762. Do not you attribute the fact of the riot to the belief that coercion was general on one side?—No. As you have asked me candidly what I attribute the riot to, I will tell you; there were inflammatory speeches made; it was one of the most bitter political fights that could possibly stir up passions, and if you ask me the cause of the riot, I do think it was from political religous rancour.

4763. Did you take an active part in the election for the borough of Monmouth?—For the Monmouth boroughs I acted on the committee of the Conservative candidate, not as a professional man, but as a friend, and in that capacity I took an active part.

4764. The riot began, did it, by an attack on a "blue" house there?—Yes, I believe that house had been attacked before in the election of 1852; it was a marked house.

4765. Are you aware whether there were any electors bottled there?—I believe there was no provocation whatever given; I have never heard of any.

4766. You were not aware that there were any electors bottled in that house?—I do not believe there was a single elector bottled, certainly not upon the Conservative side, throughout the election.

4767. A large part of Chippenham belongs to one proprietor, does it not?—The Neeld family, the late Mr. Joseph Neeld and his successor in the estate, Sir John Neeld, own a large number of houses; it is possible they may own 50.

4768. Were those the houses that were sacked?—Some of them; my father was his own freeholder, and had lived in his own house for many years.

4769. Neither you nor your father were agent for that family?—My father had been medical man to Mr. Neeld, and had nominated and sometimes seconded the Conservative candidate over probably a period of 20 or 25 years.

4770. Were not the charges of intimidation general at Chippenham at the election against that side; were they not publicly made?—I believe they were made, as they always are; but I may say, from my knowledge of the place, that I never heard that they were supported.

4771. Did you take an active part in that election?—No, I did not; I was at Newport then; my father's and brother's houses were both attacked, and that led me to investigate the case, and to take it up.

4772. Can you tell me how many tenants of Sir John Neeld were voters?—If Sir John Neeld owned about 50 houses, the probability is, perhaps, allowing for ladies and others, there would be 40 to 45 of them voters; I am not skilled in statistics, and I may have understated it; it may be possible that Sir John Neeld has 60 houses.

4773. Can you tell me how many of them voted the other way?—I cannot tell that.

4774. Do you think that any of them voted the other way?—I do not know anything to the contrary, but I cannot tell whether any of them did or did not. It might require a little effort of mind to call it to memory.

4775. Was it notorious that they all voted one way?—No, I have never heard it mentioned as a matter of notoriety.

4776. Mr. *Locke.*] You said that you thought that those riots might be put an end to if those who are responsible for them were made answerable; will you distinctly say who you mean by "the persons who are responsible for them"?—I meant those who, by previous inflammatory language, or language calculated to promote a breach of the peace, had brought about this outrage.

4777. Then you would have two things to be proved: you would have, in the first place, the inflammatory language, and, in the next place, that the outrage was brought about by that inflammatory language?—Yes; I am aware that is the difficulty.

4778. Do not you think that a person is now, in the present state of the law, liable under those circumstances?—I think that the present state of the law, or the present machinery of the law, would be a very cumbrous weapon with which to reach him; my suggestion would be, that that there should be a searching inquiry.

4779. If a person, by his language, excites those persons to commit those acts, is he not answerable now, or if he directs the persons?—I do not say that there is any direction at all; but I say it follows as a consequence. I do not for one moment attribute to anyone that he would be so unwise as to say, "You go and commit this outrage or riot;" but I would only say that the consequence of certain language used beforehand was a breach of the peace."

4780. Supposing, then, a riot take place, and you come upon one of those persons who you say are responsible for it, persons who incited others to do it; if you can prove that in consequence of what he said to those people a riot took place, even now, under the present state of the law, is he not liable?—Probably, if you could prove direct invitation or direction to commit a riot, that would be so.

4781. What would you consider sufficient; how would you frame your law?—It may be an error of opinion, but I attribute those riots to previous inflammatory speeches and misrepresentations on the part of those in a better position, and taking an active interest, on the one side or the other, in the election; and I said, inasmuch as you follow the case of bribery on the part of an agent back to

to the party, however innocent, on whose behalf it is committed, so I should follow back or punish this outrage upon the party in whose behalf it was committed, or ostensibly committed.

4782. Whether he had anything to do with it or not?—Quite so, just the same as whether he had anything to do or not with the act of delivering 5 *s.* to a man that is bribed.

4783. Do you mean to say that when the houses of persons who had supported the successful candidate, as I think they were in this instance, were ransacked, you would punish their opponents at the election, because their supporters had committed that offence?—In that case, inasmuch as I understand that the unsuccessful party are the ones who have committed the outrage, you must try, if you can, to obtain compensation from those to whom, in some fair and impartial mode of inquiry, blame may be attributed.

4784. Do you think that a sort of proposition which could be so far defined as to be put into an Act of Parliament?—I believe that abler heads than mine might devise something in that shape; but I would have it that it should be the subject of a most searching and impartial inquiry, conducted perhaps by a barrister, or some gentleman in whom the House had confidence.

4785. Would you have those offenders tried by a jury, under your new Act of Parliament?—If you like, it might be before the sheriff; you might go before the sheriff to assess damages.

4786. Would you have a jury to decide it?—No; I should prefer it being left to the decision of either a judge or a barrister; some one whose impartiality should be above suspicion.

4787. Can you find such men?—I believe there are many at the Bar, and that we might have them just the same as the appointment of a judge.

4788. You would have a sort of arbitrator, would you?—No; an inquiry, just the same as an election inquiry.

4789. Who is to appoint that man?—I believe that your Honourable House would have the appointment, just the same as they have the appointment of the judges who conduct election inquiries. I should hardly consider that an inquiry like this was worth the expense of sending down one of Her Majesty's justices, and, in lieu of that, I should propose sending down a member of the Bar of the status, perhaps, of a judge of a county court.

4790. Would you leave it to the judge who tried the election?—I only shadow this out; I would not presume to suggest to the Committee the way in which it should be carried out; but I will take the converse of your question, if you will allow me, that in the case where the successful party is the one by whom or on whose behalf the outrage is committed, then, if it is clearly brought home to that party, it should upset the election, just the same as in the case of an act of bribery.

4791. But your point was this, that you would punish the unsuccessful candidate for a riot by other people?—No, I would suit my remedy according to the power that I had in my hand to apply it

4792. I ask you how you reconcile the propriety of punishing the persons who have been the unsuccessful candidates, or the successful, whichever it may be, because their partizans, without their taking any part in it, have gone and committed an offence?—Exactly in the same way, I take it, as you punish the successful candidate whose seat is lost by an act of bribery. You have no remedy except prosecution, as against the unsuccessful candidate who has committed an act of bribery; but if it is the successful candidate he is unseated.

Mr. *T. Colborne.*

30 April 1869.

4793. If he does those things, of course he is liable; but if he does not, why should he be liable merely because those people commit such acts?—Because I understand, in the case of bribery, however innocent a candidate may be, still if bribery is committed on his behalf, or ostensibly so, he may not know it, but still, if it is proved to have been done, he suffers, although innocent.

4794. Not unless it is his agent, a person whom he has employed?—No.

4795. Mr. *James.*] I daresay it was quite wrongly so felt, but was there not a feeling amongst those ignorant people that two landowners in Monmouthshire had exercised very grest influence over the electors?—I do not know that it was so much amongst the ignorant; that charge was brought by gentlemen of the same social position nearly as the representatives; I never heard of that charge coming from the ignorant.

4796. Was it not a charge made so that the ignorant knew of it?—Yes, certainly; perhaps that may have been so.

4797. Was not there a very undue employment of attorneys at that election?—There were a great number employed.

4798. How many were employed at the last Monmouthshire election?—I cannot tell you.

4799. Were there 100?—Not that I am aware of; my own employment was very little; I took no special part in canvassing.

4800. When you speak of religious feeling, and make that a charge of undue influence, did not two great landowners employ almost every attorney in the county of Monmouth?—The charge was made of the Conservatives having bought up all the attorneys.

4801. The number of attorneys was returned, I think, in the election account?—The election account was a very heavy one.

4802. Colonel Clifford, the Liberal candidate, was a very popular person, was he not?—I presume he was as popular with his side as the other candidates were with their side; I am not aware that there was any difference in that.

4803. Sir *George Grey.*] You were professionally employed in the election for Monmouthshire?—In the election for Monmouthshire, I took a general part; I did not go into details, but I attended upon the day of the polling, and I went to one or two of the works; I did not go into the details of the canvassing.

4804. Do you know what was the expense incurred in that election?—As nearly as possible on the Conservative side for the two candidates, from 11,000 *l.* to 12,000 *l.*

4805. Do you know how that expense was incurred; can you distribute it into items?—The payment to solicitors ran away with a great deal of it.

4806. How much was paid to solicitors and agents?—Speaking off-hand, it is very likely 5,000 *l.*; I may be above the mark, it may be 3,000 *l.* or 4,000 *l.*

4807. How much for the conveyance of voters?—A very considerable sum, I believe; I cannot tell; it may have been 500 *l.* or 800 *l.*

4808. How much in payment of public-houses?—I do not know, except for the use of public-houses as committee-rooms. I should have thought

Mr. *T. Colborne.*

30 April 1869.

thought from what passed under my own notice, that the payment under that head would not have been very heavy in any district; it would not have anything to do with the payment for the use of public-houses, except for meetings.

4809. Have you any suggestion to make as to the diminution of the large expenses now incurred in contested elections for counties?—I must tell you that in this case it was a three or perhaps a four month canvass, and that increased the expense, as the candidates had been in the field for such a long time. I assure you that so far as I am concerned, if anything could be devised which would prevent solicitors having anything to do with canvassing, I for one should be most pleased. I do not consider it any very honourable part of our profession; but I do not see any remedy for it, because it is just as bad if it passes into the hands of a land agent, or one who will use influence in that way.

4810. You have no suggestion to offer, which would tend to diminish the expense of county elections?—Unless you could adopt something in the shape of voting papers, or do away with the nomination. Certainly I do not see any use in the nomination; I think the nomination sometimes gets a large number together, and if they are ready for mischief, they begin to be ready one day, and complete the mischief the next.

4811. Do you know what the expense of the nomination day was, at the Monmouthshire election?—The expense of the nomination would not be very much, but the expenses of the returning officer for the number of polling places was something considerable.

4812. Mr. *Hunt.*] You would wish to do away with the nomination; have you considered this, that if there were more candidates than vacancies to be filled up, if you have no nomination and show of hands, you must go to the poll?—I believe it is the system adopted in the municipal elections, that a candidate must be named a certain number of days before, and that you must have no poll if you have no more candidates than there are vacancies.

4813. But in case of there being more candidates nominated than vancancies to be filled, how would you ascertain which candidate was the strongest without going to the poll?—I do not consider the show of hands at a nomination the slightest test.

4814. Is it not the case that many persons are nominated who do not not wish to go to the poll now?—If a man chooses to have that luxury of being nominated, you must make him responsible in some way or other for his expenses.

4815. Would your proposition be this; that there should be a sum of money lodged or security given for expenses in the case of a nomination?—Unless it is possible some man were nominated entirely against his will, and then you must put the responsibility upon the parties who do it.

4816. You would affix some pecuniary penalty to anyone who was nominated without going to the poll?—Who caused expenses to be needlessly incurred.

4817. How would you arrive at that?—You may put it in this way; if he polls only a certain number, or if it is merely a sham nomination, as nominations often are, he should pay a certain amount.

4818. Do you think unless he polled a certain number he should pay a fine?—He would at the present moment pay his contribution towards the expenses.

4819. Supposing a man who was nominated in a constituency of 5,000 polled 10 votes, should you impose anything of a fine on him for having been nominated and only polling that small number?—Yes, he would certainly have involved the other candidates in a very large unnecessary expense; I would not be prepared to suggest what quota or proportion of the constituency he should poll; but I think that some measure like that would be very salutary.

4820. How many days before the poll would you have the nominations take place?—I think probably a week, because there are a great many arrangements to be made, which are always more expensive if made in a hurry at the last moment.

4821. Supposing this happened, that after the nomination had taken place, something was found out against the personal character of the candidate, so as to make him a person whom the electors ought not, for their own credit, to elect; would you have no means of supplementing the nomination by bringing forward another candidate?—I do not see how you could draw that distinction.

4822. Have you ever heard of the case of a candidate being found to be a person of infamous character, after having addressed the electors?—Not except by public reports of certain trials, it has not come under my own observation.

4823. How would you get over the difficulty if the nomination had taken place, if there was no means at the last moment of substituting a new candidate?—That is a difficulty certainly to be encountered, and to be provided against; I do not know that I am wise enough to suggest a remedy.

4824. Have you ever heard of the case of a candidate being proposed on the day of the nomination unexpectedly, and coming in at the head of the poll?—I believe there was such a case reported from the north this time, and I have known at Salisbury a gentleman brought forward on the nomination day and polling a very respectable number, but not coming in; that circumstance I can speak to myself.

4825. In the event of a person, a very prominent politician, whom it was very desirable to have in Parliament, being defeated at one place, should there be no means of his standing for another?—I think he should elect between his two loves.

4826. You think that the nomination should take place a week in advance of the election; but supposing a person whom everybody would wish to see in Parliament had been rejected at one place, your plan would interpose great difficulty upon him in his being nominated for another place?—Yes, certainly; in remedying what we consider the greater evil, it would involve what I should consider the lesser evil.

4827. With regard to county elections, the forcing of persons to go to the poll, in order to decide between the candidates who are nominated, would entail upon the electors very great inconvenience, and upon the candidates very great expense?—Yes, and I think no good really comes from it.

4828. Sir *George Grey.*] Am I right in supposing you to recommend that there should be a week's interval between the nomination and the polling?—It would be convenient, in order that, if the candidates had to provide for expenses, they

they might make their arrangements; it would be inconvenient for them to have notice of opposition at 24 hours, which occurred, I believe, in the case of Herefordshire.

4829. What time would you allow between the issue of the writ and the day of the nomination?—I should say that, unless it was in the case of an unexpected vacancy, it really matters not; because at a general election they are prepared with candidates long before the writs come down; but in the case of vacancy by death or acceptance of office, or anything of that kind, they should, at least, have a week after the issuing of the writ before the nomination.

4830. Then in case of an occasional vacancy, your plan would involve the delay of a fortnight before the seat could be filled up?—Yes, it would.

4831. Mr. *James.*] Why should you not have this silent nomination, which you recommend, two days before the poll, as you have now?—Because it would not do away with this evil that I complain of, of a candidate being brought forward at a very short notice, and entailing such heavy expense.

4832. That evil exists, does it not, under the present system?—Certainly.

4833. Then we should have no greater evil if we had a silent nomination?—No, certainly not; if you consider that a lesser evil.

4834. If a candidate is brought forward at a moment's notice, generally speaking he has not the same chance of success as one who has been long in the field before the constituency canvassing?—Not if the organisation of the canvassers is complete.

4835. If a certain sum of money were deposited every time a person is nominated in this manner, would not that give sufficient security to prevent candidates springing up?—Yes; if it was a sum sufficient to cover the expenses.

4836. You would have more security, would you not, than you have now, because of the candidate's liability?—Yes.

4837. Mr. *Staveley Hill.*] You spoke of those people being inflamed with political and religious rancour, and by speeches; where were those speeches delivered?—Perhaps they had been unfortunately led up to it by speeches either in chapels or sometimes in public-houses; a great many meetings were held in chapels.

4838. Mr. *Leatham.*] Did the clergymen of the Church of England take any part in the election for Monmouthshire?—They were generally helping in the various districts.

4839. Did they make any speeches?—I cannot call to mind a single speech made by a clergyman of the Church of England during the contest.

4840. Mr. *Hunt.*] Did you ever hear of their preaching in their churches in favour of one candidate or the other?—I never heard of it.

4841. Did you hear of that being done at other places of worship?—Yes.

4842. At chapels of what denomination?—I think the Wesleyans had the reputation of avoiding political-religious matters as much as possible.

4843. With the exception of the Church of England and the Wesleyan chapels, places of worship were used for the purpose of preaching sermons of a political character?—I cannot speak so distinctly as to preaching sermons; certainly many meetings were held at chapels.

4844. Do you understand that sermons preached in some chapels in favour of particular political candidates?—It is only a floating impression that I have; I should not like to speak distinctly of sermons having been preached, as I do with respect to the meetings.

4845. Sir *George Grey.*] Is it the habit to hold public meetings at those chapels for ordinary purposes?—I believe tea meetings and revival meetings are generally held in chapels.

4846. But no meetings for secular purposes?—No; those people consider such meetings a part of the business of the chapel, I fancy; the everyday business.

4847. Mr. *Locke.*] Do not they deliver lectures in them frequently?—Connected with religious subjects.

4848. Not always religious subjects?—I suppose they would be what they would call religious-secular lectures.

4849. Not irreligious subjects, of course?—I mean some branch of knowledge directly associated in one way or other with religious subjects, like missionary lectures, or lectures on the Holy Land. I do not believe that they use the chapels for lectures on geometry.

4850. Sir *George Grey.*] You mean, in the case of an election, they do hold meetings at chapels?—There is no doubt about it.

Tuesday, 4th May 1869.

MEMBERS PRESENT:

Mr. Brand.
Mr. Cross.
Mr. Edward Egerton.
Sir George Grey.
Mr. Gathorne Hardy.
The Marquis of Hartington.
Sir Frederick Heygate.
Mr. Hunt.
Mr. James.
Mr. Leatham.
Mr. Locke.
The O'Conor Don.
Mr. Raikes.
Mr. Villiers.
Mr. Whitbread.

THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. JOHN HUGHES, called in; and Examined.

Mr. *J. Hughes.*

4 May 1869.

4851. Mr. *Cross.*] YOU are a large Boot and Shoe Dealer in Liverpool; are you not?—I am.

4852. You have two establishments there?—Yes.

4853. I believe you acted as secretary for the Conservatives at the municipal election of 1867?—I did.

4854. Mr. Johnson told the Committee that at that election the Conservative candidate gave out a number of drink tickets, but it cost him nothing, because the increased custom to his public-houses was such that he got something for his outlay; is that true?—It is perfectly untrue.

4855. Is it not the fact that this brewer had not one single public-house in that ward which he was contesting?—Not one; he had not then, nor has he now.

4856. Therefore all that is perfectly untrue?—It is perfectly untrue.

4857. I believe you yourself were elected as assessor?—Yes.

4858. Mr. Johnson said, in answer to Question 1988, "His election," speaking of yourself, "was effected in such a manner that it was rather suspicious, because the night before he got his party who assist him in these elections to go round and beat up the ratepayers, I will not say to fill the room entirely, because there was plenty of room, but there was a certain number that never would have been there had they not been canvassed the night before;" is that true?—No; it is not true. It is utterly untrue. I never asked for a single vote. I never asked a single man. He refers there not to the assessorship, but to the overseership, and that is untrue.

4859. He also says, in answer to Question 1992, "At both the elections the polling-booths were blocked by the treated and bribed voters, so much so that no respectable persons could really go and record their votes; that is to say, if they were known to be of adverse politics; but their own party were always led up by one of this organised staff, and the crowd immediately opened and let them pass, but no one else was allowed to pass;" is that true?—No; it is not. He refers there to the municipal elections of 1867 and 1868.

4860. Is there any truth whatever in that statement?—None whatever; because I sat there as assessor in 1868. What he immediately refers to is this; there was an old gentleman above 90 years of age who came and voted, and he came without any difficulty.

4861. It is untrue?—Yes, it is untrue.

4862. Then he is asked, "Was there much drunkenness"?—A great amount of drunkenness. On that occasion, the night before, I went to a certain public-house where they held their committee; I went with one of their own party, and he showed me a room in which there were at least 60 or 70 people, all absolutely drunk, and they were kept there during the night, and taken up in a body the next morning to vote; and those were the parties, together with others, that blocked the polling-booth;" is that true?—It is not true.

4863. Sir *George Grey.*] What public-house does the question refer to?—He says that it was a committee-room; we had only one committee-room, and that was the "Royal Oak," and that public-house would not hold 60 or 70.

4864. Mr. *Cross.*] Was there much drunkenness there?—No; besides, it was perfectly unnecessary to bottle, because we had a majority of 250.

4865. Sir *George Grey.*] Was there any drunkenness?—Certainly, upon every occasion there is a little excitement.

4866. Do you mean drunkenness from excitement, or excitement the consequence of drunkenness?—Drunkenness in consequence of political excitement.

4867. Mr. *Cross.*] Then, at Question 2037, the question is asked Mr. Johnson, "Do you know whether there was any difficulty in obtaining such evidence?" what did that relate to?—The evidence in the county court.

4868. The

4868. The answer he gives is this, "Yes, there was very great difficulty in getting witnesses, inasmuch as the assessor" (meaning you), "who had arranged the whole machinery, endeavoured to get them away. He got many of the witnesses away by paying them a certain sum of money, and allowing their families so much per week while they were away; but this man he could not get out of the way, though he had had 10 *l.* offered to him, and I think he told me 30 *s.* a week for his wife and family as long as he was away." Is that true?—It is not true.

4869. Did you ever make any offer of the kind?—No, not to anyone.

4870. At Question 2129 Mr. Johnson is asked whether the shoemaker, meaning you, was one of the assessors, and he says, "Yes, he was one." He is then asked, "He being a skilled person, and understanding the law upon the subject, he first of all went and revised the list in October, and then he was employed at the election?—Yes." Did you revise the list in October?—No.

4871. You had nothing to do with it?—Nothing to do with it; the man did not know what he was talking about.

4872. Is that all that you wish to contradict?—Yes.

4873. Mr. *Villiers.*] Are you an overseer?—No; I was elected overseer, but the magistrates considered that there was a Conservative monopoly in electing me overseer, and they substituted a Liberal for my name.

4874. How are the overseers chosen; are they not by election?—No, they are merely recommended to the magistrates, and the magistrates have the absolute appointment, but generally about half-a-dozen names are recommended to the magistrates, and those that have the greatest majority in the vestry are generally taken by the magistrates.

4875. But your name was submitted to the magistrates, and they would not accept you?—It is unfair to put it in that way; there was no personal objection to me, only that I was the third Conservative having the least number of votes of the three Conservatives, and I being the lowest on the Conservative list they substituted a Liberal instead of me.

4876. Are you chosen according to your politics?—That is a consideration with the party, of course.

4877. You have been acting for some time as assessor, have you not?—No, only two years as assessor.

4878. And who does appoint the assessors?—The assessors are elected just in the same way as the council; the same qualification is required for an assessor as there is for a town councillor, and the same penalties for the non-performance of the duties.

4879. Will you just tell us what is your duty as assessor; is it to prepare the list, in the first place?—No, not at all; the overseers prepare the list. There is an overseers' list which is nailed up to the church doors, and then any person not seeing his name upon it, if he has a right to vote he puts in a claim for it, and then there is another list of claimants made out, and this overseers' list is submitted to the two borough assessors and the mayor. There are two borough assessors as well as two assessors for each ward.

4880. The mayor appoints a day for revising the list, does he not?—Yes, that is so; and the mayor sits with the two borough assessors.

4881. When is the list revised; because this was a board of assessment, was it not?—No, it goes through the regular course prescribed by the municipal law.

4882. And the mayor has two assessors to assist him in revising the list?—Yes, who are elected by the ratepayers and not appointed by the mayor, as has been said.

4883. Were you one of those assessors that were with the mayor to revise the list?—Not at all; they are generally legal gentlemen.

4884. Then the overseer of the ward goes before them, does he?—No.

4885. Who answers for the list?—The rate-book clerk; he, in fact, has the preparation of the list.

4886. And not the overseer?—The overseer in name, but the rate-book clerk does it, and he is paid for doing it.

4887. The overseer is actually answerable, is he not?—Yes.

4888. What is the process of revising the list; who comes and states objections?—The person that is objected to.

4889. Does he come before the mayor and state his reason for being put upon the list?—Yes.

4890. What part have you ever taken in this matter?—None whatever; only I have been objected to by the Radicals often enough.

4891. Sir *George Grey.*] What does the ward assessor do?—The ward assessor is also elected by the ratepayers and he sits there, and he is one of the returning officers. In fact, the alderman and the two assessors are the returning officer for the ward at the election; they receive the votes and go to the town-hall and sign the return, stating that such and such a person is elected.

4892. Mr. *Villiers.*] You have not yet told us what you have to do with the revision of the list?—I have nothing in the world to do with it, not as assessor; I am assessor for the ward, not for the borough.

4893. You do not appear before the mayor?—No. There are two assessors elected for each ward, and they act at the election; there are two assessors elected for the borough, and they act at the revision.

4894. Was there any charge brought against you as to the manner in which you had proceeded in the ward?—No, they could not bring any charge, or they would have been very glad to do so. The gentleman who appeared before the magistrates, although he himself had been guilty of bribery, made very vague statements that my name cropped up pretty frequently. He stated that my name cropped up pretty frequently in the proceedings in the county court, but there was nothing in that; there was no charge made against me.

4895. What do you mean by your name cropping up pretty frequently in the proceedings in the county court?—That is the statement made by Mr. Johnson, that my name very frequently cropped up in the proceedings, as connected with the election.

4896. Sir *George Grey.*] I think Mr. Johnson's statement was this, that there was some inquiry into the proceedings at this election, and his name (that is your name) came out very prominently

Mr. *J. Hughes.*

4 May 1869.

minently in the reports that were made; is that what you are referring to now?—Yes.

4897. Did it not come up prominently in the reports of those proceedings?—I cannot tell, I am sure, because they subpœnaed me as a witness, and I was obliged to turn out; but they did not dare to call me.

4898. Mr. *Hunt.*] Who subpœnaed you; was it the other side?—Yes.

4899. Mr. *Villiers.*] You were not examined, I think you say?—No; but, of course, they kept me in the dark as to what was going on, so that I could not advise the counsel that appeared.

4900. Mr. *Gathorne Hardy.*] You were obliged to leave the court, were you?—Certainly. There was a gentleman there, a Mr. C. T. Bawring, a town councillor and a magistrate, who has been mentioned here; and, although all the witnesses were ordered to leave the court, he sat in the court throughout the proceedings, and when he saw an opportunity to make a statement he got up and made that statement.

4901. Mr. *Leatham.*] You had a good deal to do with Mr. Parrott's election, had you not?—No; I could not have had a good deal to do with Mr. Parrott's election; I was assessor. I was a member of the committee, but I was not secretary of that election; a Mr. Cowen was secretary.

4902. Do you object to state how much you received for your labours at Mr. Parrott's election?—No, I do not object. I did not receive anything.

4903. Can you tell what the total expense of his election was?—No.

4904. Have you been convicted of bribery?—No.

4905. Not before the county court?—No; they never brought a charge against me.

4906. Had you anything to do with Mr. Walker's election in the previous year?—Yes; I was secretary.

4907. You afterwards took a trip to Malvern, I think?—No.

4908. Do you deny that?—I have never been to Malvern in my life. I am quite willing to state all that I know; but I cannot admit those things which have been put to me.

4909. Have you never been the subject of any proceedings in consequence of any conduct of yours at any election?—No; I wish they would try it on.

4910. Sir *George Grey.*] You say that, as ward assessor, you were the returning officer in fact of the ward?—Yes.

4911. As returning officer, did you still sit on the committee of one of the candidates, and take an active part in promoting his election?—No, not as assessor. I do do so generally.

4912. But, at the same time that you are assessor for the ward are you also a member, or have you been a member of the committee promoting the election of particular candidates?—Yes, I have.

4913. Is that a usual practice in Liverpool at those elections?—Yes.

4914. Is it common for the assessors, who are the returning officers for the wards, to act as members of the committees of particular candidiates?—Yes; I have seen a Radical alderman sit in St. Ann's ward, allow the Radical assessor to run out and collar a man, and bring him up to vote.

4915. That was not you, I suppose?—No, I never did that.

4916. Still is it the practice in Liverpool for the assessors of wards, who are, as you say, the returning officers, to take an active part in promoting the election of particular candidates?—Yes, certainly. They are elected because they belong to one particular party, and you cannot divest a man of his feelings.

4917. They are not expected, then, to act impartially as returning officers?—No; the alderman is expected to act impartially, but the assessors are a check upon each other, and upon the alderman too.

4918. Mr. *Hunt.*] That is to say, one is appointed on each side?—Yes, they are elected.

4919. Are they supposed to protect each their own party before the alderman?—Yes.

4920. Mr. *Edward Egerton.*] When you say that you are the returning officer, do you mean that you are the returning officer that is appointed by one particular party to look after the interest of that party?—We elect the returning officers, and the three persons combined make the returning officer.

4921. But the alderman is the returning officer surely, is he not?—He is the presiding officer, but I think that the two assessors are just as essential; in fact, the vote would not be legal, I am informed, without he is present.

4922. Mr. *Hunt.*] Is it the case that a partisan is elected on each side as assessor?—Yes.

4923. In order that they may keep watch over the returning officer in the interest of their own party?—Yes, that is the practice; in fact, it is so understood, and although the parties are nominated, they never proceed to election; it is understood between the two parties.

4924. But if there is any difference of opinion, do they vote upon any question?—I never saw a difference of opinion.

4925. Mr. *Villiers.*] Do I understand you to say that the assessors are not really elected, but they are nominated?—They are nominated, and if there is no objection, of course, they are elected; that is the election.

4926. Would not it be possible to have two assessors on the same side of the question if they were elected freely?—Yes, if they were elected, but then it is understood between the parties that one is nominated on one side, and the other on the other.

4927. Would there be any legal objection to two assessors of the same party, supposing they were elected?—None whatever, if they were regularly elected.

4928. They might be both on one side?—Yes.

4929. But it is the practice to name one on each side?—Yes.

4930. And that without election?—The nomination is the election, if there is no opposition, in the same way as a Member of Parliament would be elected if he was only nominated and there was no contest.

4931. Who nominates them; is it the alderman?—No; the burgesses of the ward, or the adjacent ward; any burgess can nominate an assessor.

Mr. *J. Hughes.*
4 May 1869.

4932. Could you go to the poll for an assessor?—Yes.

4933. Did you ever know one go to the poll?—Yes, there has been one.

4934. What was the result; did they choose one on each side?—I really do not recollect now; I do not know the case; I have merely heard of it.

4935. Mr. *Hunt.*] If there is an occasional vacancy by the death or illness, or departure from the town, of one assessor, is it the practice to fill up that vacancy by electing a man of the same politics?—No; immediately after the election of the assessor, the assessor appoints a deputy, and he signs a declaration that he will attend in case of sickness or absence of the assessor.

Mr. Robert Ascroft, called in; and Examined.

Mr. *R. Ascroft.*

4936. Sir *George Grey.*] Are you the Town Clerk of Preston?—Yes.

4937. Why have you attended here to-day; what do you wish to state to the Committee?—I merely wish to hand in the resolutions agreed to by the town council at their meeting on Thursday last.

4938. What was the occasion of the meeting?—It was their usual meeting, but their special attention was drawn to the proceedings of this Committee, and certain resolutions were framed and sent round to the council, and they were considered. The town council adopted those resolutions, which I hand in, with the view of their being laid before this Committee (*delivering in the same, vide Appendix*).

Mr. Daniel Collen, called in; and Examined.

Mr. *D. Collen.*

4939. Sir *George Grey.*] What is your occupation, and where do you reside?—I am a miller and corn factor, residing at Chippenham.

4940. Is it by your own wish that you come before the Committee to-day, or have you been summoned?—By my own wish I came up.

4941. For what purpose do you come before the Committee?—I came here, as I understood some evidence had been given the other day respecting the riots at Chippenham, that they were totally unprovoked, and I thought it only right that, knowing the circumstances as I do, I should come up to give some facts on the matter.

4942. What statement is it in the evidence which you have seen, that you wish to make any observation upon?—The statement I understand has been made by a person who was not a resident in Chippenham at the time; that there was a very serious riot in Chippenham, and that it was totally unprovoked.

4943. Was there a riot?—There was a riot.

4944. That riot took place, did it not, after the poll was closed at Chippenham, at the election to which that evidence refers?—A riot took place, but it began in the morning of the day, owing to the conduct of a woman, the landlady at the committee-room of the Conservative candidate.

4945. You do not deny the existence of the riot?—Not at all; there was a very serious riot, only it took place in the evening of the polling-day, after the poll had closed.

4946. Is there any other statement that you wish to make?—I wish to state that there were serious reasons to prove that the riot was provoked.

4947. Mr. *Villiers.*] Did anybody furnish you with a copy of the evidence or any written statement of what was stated in this Committee-room?—I have been furnished with some particulars, but not a copy of the evidence.

4948. Do you know what evidence was given?—I understand that evidence was given to the effect that the riot was quite unprovoked, and that it was caused by the Liberals of Chippenham, whereas, I can tell the Committee that not one of the Liberal voters was convicted at all of taking any part in it, although very large rewards had been offered.

4949. Mr. *Leatham.*] With regard to the influence of the proprietors in Chippenham, do you attribute the riot in any degree to the common rumour, that undue influence was exercised over the voters by certain proprietors in Chippenham?—There is a very strong feeling to that effect in the town, and there was at the time.

4950. Are you aware of any instances in which that undue influence was exerted?—Yes, I am aware of that.

4951. Are you in a position to state them to the Committee?—Yes, if it is necessary.

4952. Did intimidation by landlords exist to any great extent?—Yes, to a very large extent.

4953. Mr. *Hunt.*] When you say that intimidation by landlords existed to a very large extent, what do you mean by intimidation by landlords?—I mean to say this, that the landowners in the neighbourhood, and the agents in the town, and in fact all the legal profession are all on one side, and that there is great influence used; it is the custom, it is well known, and I know instances in which the houses of the great landowners have been let with the distinct understanding, that the tenants shall vote Conservative, and also be Churchmen, otherwise they have no chance of getting the houses.

4954. That is what you mean by the word intimidation?—That would be coercion, I suppose.

4955. It would be in the nature of an agreement, would it not?—It would be in the nature of an agreement, certainly.

4956. A sort of contract that the occupancy of the house was to ensure the voting for the landlord?—That is so.

4957. Mr. *Whitbread.*] Is that the only species of intimidation which you know of at Chippenham?—There are other ways in which it is used, in the shape of large employers of labour exercising influence on their workpeople.

4958. You call it great intimidation; do you know of any cases in which people have been turned out of their houses, or discharged by their employers,

Mr. *D. Collen.*

4 May 1869.

employers, because of their voting, or that a threat has been held out to them?—I have proof in my pocket of notices that have been served after the election of 1865, by a large owner, on tenants who voted Liberal, six or seven at a time; that was at the time when the riot took place. I have got a copy of the notice.

4959. What was the notice?—The notice is as follows: "To So-and-So,—We do hereby give you notice, and you are required on the 29th day of September next ensuing the date hereof (or at end of such other day, which coming next after the expiration of one half-year from the date hereof, shall be the last day of the then current year of your tenancy), to quit and yield up the possession of all that piece or allotment of land in a field, &c." There is a great deal of land let out in that way in Chippenham.

4960. Do you know of many cases where workmen have been either discharged, or threatened to be discharged, by their employers on account of their votes?—I know that there has been very strong influence used by the managers of works.

4961. My question was, do you know of many cases in which workmen have been either discharged, or a threat of discharge has been held out to them on account of their vote, or their intention to vote?—I know that influence has been used very greatly, but I am not prepared to speak of any particular instance; in the case of the largest employer of labour in the town, his works were very low two or three months previous to the election, and he took on a great many men just before the election.

4962. Did that intimidate them?—No.

4963. Mr. *Leatham.*] Do you know how those men voted?—They all, or nearly all, voted one way.

4964. Mr. *Whitbread.*] Have you anything more to state to justify the charge of intimidation which you speak of?—I cannot speak to particular instances, but only to the general feeling in the town that people will lose their work unless they vote on that side.

4965. Sir *George Grey.*] What do you know about that notice; was it acted upon?—It was acted upon.

4966. How do you know that it had anything to do with the election?—I do not know that it had; only that it came for the first time after the election.

4967. What evidence is there that it was connected in any way with political feeling?—Nothing more than that the same landlord is known to let houses on the distinct understanding that the tenants shall be Conservatives, and in this case they had voted Liberal, and those who voted Liberal had those notices.

4968. Mr. *Villiers.*] Were the notices served immediately after the election?—The first half year after the election, those notices were issued.

4969. Mr. *Hunt.*] Do I rightly understand you to assume, from the fact that this notice was given immediately after the election, that therefore it was given on account of the voting of the occupant?—I do not assume that it would be always the case, but I assume that it was in this case.

4970. You assume that, in Chippenham, if a Conservative owner of land gives notice to a tenant to quit after the election, it is done in consequence of the election, and is connected with the election?—No, not always.

4971. With regard to those cases, did you take any pains to ascertain whether the parties who received those notices were behind in their rent, or whether the land occupied was in a bad state of cultivation?—I did not take those pains, but I am satisfied in my own mind that that was not the reason.

4972. Did you make any inquiry as to those matters?—I did not make any inquiry, but one of them who gave me the information I know to be one of our leading tradesmen in a large way of business, iron-works, so that I do not think at all that there could be any reason for it; they are mostly independent men; one of them, whose name I see now on the paper before me, has just built a house for himself.

4973. Is it not a common practice that if a tenant receives notice to quit after an election, he makes out that it is in consequence of his politics, in order to ingratiate himself with the other side?—I think it might be the case in some instances, but here are instances where there were half-a-dozen at once, and they are every one of them Liberals.

4974. Mr. *Villiers.*] You said that it was notorious that this party gave those tenancies with a view to political influence?—Yes; everything is done in the town with that view, I believe, or nearly so.

4975. He was of opposite politics to his tenants; the tenants voted in a way that he did not expect they would have voted, and half-a-dozen received notice to quit after the election; is that the case?—That is the case; I cannot speak to every instance that the agreement was to that effect, but I know that those agreements are usually made to that effect, and with that understanding.

4976. Is it not notorious in Chippenham that that is the case?—It is quite notorious that that system prevails.

4977. Mr. *Brand.*] How many tenants, having votes, has this gentleman in Chippenham?—I suppose he has 60 houses, besides a great many tenants who have these allotments of land.

4978. Sir *George Grey.*] Did they all vote Conservative?—Yes.

4979. Including those which are allotments of land, how many tenants, having votes, had he?—I should suppose he had nearly 100.

4980. Can you say how they voted?—All Conservative, or very nearly, with the exception of these.

4981. How came those notices to be served upon any of them?—There was a very small proportion who voted against the Conservatives; I should think not 10 per cent.

4982. Were notices served upon all who voted against the Conservatives?—I believe there were.

4983. Mr. *Villiers.*] Were any notices served upon those who voted in conformity with the landlord's opinion?—I never heard of any.

4984. Mr. *Hunt.*] I suppose you would not have heard of them, would you?—I think I should.

4985. Are you prepared to state that those who received those notices which you have got with you, were the only persons who voted against the politics of the landlord in that case?—I am not prepared to say that altogether. I only say that I do not know of any others.

4986. Mr. *Villiers.*] What election are you speaking of?—1865.

4987. Mr. *Whitbread.*] What is the extent of those allotments of which you have been speaking?—They are pieces of accommodation ground for gardens.

4988. Mr. *Villiers.*] Those were 10 *l.* occupants, were they?—No, not all of them. Some of them were smaller than that I think.

4989. Mr. *Edward Egerton.*] Are they about a quarter of an acre each?—More than that; I should think about an acre, most of them.

4990. Mr. *Villiers.*] That was before the passing of the late Reform Bill?—Yes.

4991. Mr. *Hunt.*] Was it the case that all the tenants of that landlord voted with him at the election of 1868?—I think so, or very nearly so. Quite as large a proportion as I have said.

4992. Still some were independent and did vote against him?—I do not know one instance, and I do not think that there is one instance of a tenant that voted against him in 1868.

4993. Mr. *Villiers.*] Was there any influence used over the new voters?—There was very large influence.

4994. What kind of influence?—Influence in the way of employing labour, and I believe that, in the cottages, they were very much afraid of losing their houses.

4995. Were they mostly in arrears of rent?—No, not at all; they were good mechanics who I know would not be in that way; but they were afraid of losing their houses.

4996. Did all the voters occupy cottages in 1868?—No, not at that time.

4997. They lived in rooms, did they not, some of them?—No; I do not know of any that lived in rooms of the parties that I spoke of.

4998. Mr. *Cross.*] Do not you consider that the landlords of those houses have had their influence very much weakened by the new voters?—Yes, they have. In the case of the houses that I have been speaking of, the larger houses, the influence has been weakened.

4999. The power is not so much in the hands of a few as it was?—No, it is not, not with the larger houses; but it comes to the same thing with the small houses.

5000. A greater number of people used the same kind of influence this time, did they not?—Yes.

5001. Sir *George Grey.*] Do you mean that this kind of influence is used in Chippenham by everybody who has the power to use it?—No, I would not say that, because I know it is not by myself; but I believe it is used by others besides those that I have spoken of.

5002. By both parties?—No, not by both parties; I do not think it is.

5003. Mr. *Locke.*] Are all the large landlords in Chippenham Conservatives?—Most of the proprietors there are Conservatives.

5004. Sir *Frederick Heygate.*] Is the land that you have been speaking of let below its value?—It is let at about the same rent, or rather over what it would fetch to a farmer in large farms.

5005. Mr. *Cross.*] What election are you speaking of, with regard to those notices?—1865.

5006. How many notices do you believe, according to your report, were sent out?—I cannot speak to any number.

5007. I thought I understood you to say that they were sent to pretty nearly all the tenants?—Six or seven, I said.

5008. Mr. *Edward Egerton.*] Were you employed at all as an agent on the Liberal side?—No, not at all.

5009. How came you to get those notices?—They were handed me because I have taken a great interest in the elections.

5010. Mr. *Hunt.*] Have the parties left their holdings in consequence of those notices?—I believe that everyone has.

5011. Have they got other holdings?—I do not know.

5012. Mr. *Whitbread.*] Are there any allotments now let to Liberals?—No.

5013. Mr. *Cross.*] I suppose that this letter, which is attached to the notice, is all that you know about it?—No; I have had some conversation with the man.

5014. But this is the sum and substance of your information?—Yes.

5015. Will you read the letter to the Committee?—I should say that I had had some conversation with this man who gave me this information before, and I asked him to give it to me in writing.

5016. Sir *George Grey.*] Is this letter addressed to you?—Yes, it is as follows: "Chippenham, March 27th. Mr. Collen. Dear Sir,—I beg to hand you names of parties that have received notices to quit so-and-so's allotment ground, which are as follows: Thomas Aland, Alfred Button, Thomas Honniball, Jesse Stacey Baker, James Stacey Baker." I see there are five. Thomas Aland has signed his name at the bottom and at the top as well, and I had reckoned him as the sixth.

5017. Mr. *Whitbread.*] What is the position of most of them; I think you say that one of them has iron-works?—One is a partner in a foundry; an agricultural implement maker.

5018. It was not much intimidation to him to turn him out of a quarter of an acre allotment?—No, not much intimidation.

5019. Mr. *Leatham.*] He was not in the same position as he is in now, perhaps?—I do not think he had so many men then.

5020. Mr. *Whitbread.*] Still he was an employer of labour himself at that time?—Yes.

5021. Employing how many hands, for instance?—I suppose six or seven.

5022. What is the position of the next man?—Alfred Button is a shoemaker.

5023. A master shoemaker?—Yes, he is a master shoemaker; but I think he does most of the work himself. The next is Thomas Honniball; I think he is a timekeeper at some works there. Jesse Stacey is a master baker in the town; I believe that he has men under him; he is one of our principal bakers.

5024. Sir *George Grey.*] Is there much value attached to those allotments, and much desire to get them in Chippenham?—It is a great accommodation, and people are very glad to have the land; they live in a town, and those people have not an opportunity of having gardens.

5025. Mr. *Villiers.*] In speaking of this riot, did you refer to 1868 or 1865?—1865; there was no rioting in 1868.

5026. And was there any petition?—No.

5027. Was there no treating?—I think there was treating.

 5028. However,

Mr. *D. Collen.*

4 May 1869.

5028. However, the seat was not disputed in 1868?—The seat was not disputed.

5029. Sir *George Grey.*] There was a contest, was there not?—Yes; but I do not think there would have been any use in petitioning.

5030. Mr. *Hunt.*] You attribute this riot, do you, to provocation arising out of the action of the landlords?—Not altogether.

5031. To what do you attribute it?—On the polling day there was a son of the magistrate there who whipped a boy in the street, which excited a great deal of feeling there, and that was followed by the wife of the landlord at the Conservative committee room flinging some water out of the room, and flinging the jug out with it, which cut a woman's head open; and this woman went about the street, I think, for some time, and caused great excitement. That was before the riot took place.

5032. You think that that caused the general riot?—I think it had great effect in causing it.

5033. Sir *George Grey.*] There was no riot during the polling; it was all after the polling was over, was it not?—It was during the polling, when this jug was thrown out of the window, and those windows were all broken. The mob at once were enraged and broke the windows in.

5034. Mr. *Hunt.*] Was not the riot in consequence of the resentment felt, on the part of the Liberals, at the success of their opponents?—I do not think so.

5035. Do you think that, if the Liberals had been successful, still the broken jug and its consequences would have resulted in a riot?—No, I do not think so, as a whole. I think that the people knew the state of things, and the coercion, and they did not require so much to excite them as they otherwise would.

5036. Mr. *Locke.*] You said that there was no use in petitioning; why was that?—I think it would have been no use, for the reason that the other candidate would have had no chance of getting the seat, otherwise I believe there would have been a petition; might I be allowed to say that my firm opinion is, that we shall never, under the existing state of the law, have any chance of having a fair election by what we have seen; I wish to state that as my own opinion, because I have felt great interest in the state of things, and principally from feeling certain that things were so, and that there was this undue influence used.

5037. Mr. *Villiers.*] Do you know of any change that would tend to alter the state of things?—I think nothing but the ballot would do it.

5038. Mr. *Cross.*] Do not you think that if the people were very much better educated, that would of itself have some effect?—I do not think it would in our borough.

5039. Are you aware that there is hardly any bribery in Scotland?—I am not; but I am aware that there is very little bribery in Chippenham.

5040. Mr. *Locke.*] Were those persons that you have spoken of as having notices given to them, well educated; the man who employed seven or eight men, for instance, is he tolerably well educated?—Yes, he is tolerably well educated; he has a shop in the town besides his works; he is very well educated for our country.

5041. Are those persons who have allotments generally rather above the ordinary class?—Not all of them.

5042. Are not some of them?—No, I should not say they were above the ordinary class; I should say they were quite the ordinary class.

5043. Are they people who can read, write, and cypher?—Yes, every one of them I should think could read, write, and cypher.

5044. Sir *George Grey.*] How would the ballot have prevented the riot which took place on the evening of the polling-day?—I think that if the people had felt that it was a just election, there would not have been that strong feeling that existed.

5045. Mr. *Villiers.*] The impression now is that it was not fair?—It is.

5046. And that undue influence was used?—Yes, it is.

Mr. Arthur Cheese, called in; and Examined.

Mr. *A. Cheese.*

5047. Mr. *Hunt.*] You are a Solicitor, practising at Hay, in Breconshire?—I am.

5048. You have been engaged for many years at different periods in elections?—I have.

5049. You have had experience for several years, have you not, in Wales, of Welsh elections?—Yes, since 1851, in South Wales and Herefordshire.

5050. You were engaged professionally, were you not, in managing the Brecon election of 1866?—I was.

5051. Were you engaged in the election at Brecon in November 1868?—I was.

5052. Had you been engaged in the Carmarthenshire election of 1868?—I had.

5053. Are you acquainted with the influences that were used at those elections?—I am.

5054. Is it the case that ministers of religion in Wales take a very active part at elections?—They do.

5055. All of them?—All of them; more so at the last election than, to my experience, at previous elections.

5056. Was that the case with the clergymen of the Church of England?—Yes, I should say that they took a greater interest in the last election than they had in previous ones.

5057. Was that in consequence of the Irish Church question being the main topic of interest?—Undoubtedly.

5058. Is it the case that Dissenting ministers of different denominations took a very active part in this last election?—They have taken a more active part, because in many instances they have been actually paid agents.

5059. Have places of worship been used for political meetings?—Yes; in Brecon one chapel having refused permission, another chapel granted permission for a political meeting to be held in the chapel, at which the Liberal candidate attended. I am speaking now of November 1868.

5060. Was that the first time that chapels had been

been used for political meetings?—I never heard of them being so used before.

5061. At those meetings was the political business the only business?—The only business.

5062. Do you know that the minister of the chapel was present?—He was, and he addressed the meeting.

5063. That was at the borough election of Brecon; are you aware of chapels being used for political meetings in other parts of Wales?—No, I cannot speak positively to other parts; I can only speak by rumour that they have been; but I cannot speak with accurate knowledge.

5064. With regard to Carmarthenshire, was that the case?—In Carmarthenshire I am aware that the Dissenting ministers took an active part in canvassing, in organising, and in bringing voters to the poll. I acted as an inspector at a booth in Llandovery, and two of my clerks acted as deputy sheriffs, one at Llanelly, and another at Llandovery the same day in the county; and that was the experience which I had that the dissenting ministers were most prominent in bringing men up to the poll, and polling them.

5065. And you say at that election they were paid agents?—They were paid agents; in some instances they sent in their accounts, and were returned in the same way as other paid agents would be.

5066. Did the ministers confine themselves to argumentative persuasion, or did they use anything in the nature of spiritual intimidation, to induce their flocks to vote?—Some strong political sermons were preached; I wish the Committee to understand that I was not present when they were preached, but I have taken the trouble to ascertain the truth of it, by asking those who I considered could give me reliable information as to the fact, and as to what was said; and I heard of one instance in which the language went so far as to actually say that those who supported the Conservatives would be in danger of the pains of hell.

5067. Have you known that language such as that was used at the election for Brecon in 1866?—Yes; I recollect one particular instance, in the election of 1866, in which a very old man had promised to vote for the Conservative candidate; he was attended by his minister, and it was urged upon him as though he would endanger his salvation if he voted for the Conservative candidate. That fact was communicated by his daughter, who lived with him, to the election agent, from whose mouth I speak as to the fact; he saw him and discussed the matter with him, and it was with a very great difficulty that he could persuade him that a breach of promise of his vote would be quite as wrong as if he had voted for the Conservative.

5068. In the election of 1866, did you hear of threats being used at some of the chapels, that persons who voted in a particular way would be posted upon the walls?—That was so; I could mention the name of the chapel, if it is necessary. It was at a chapel at Brecon.

5069. Do you know what the meaning of being posted on the wall is; do you know what it conveyed to the minds of the congregation?—Dissenters are in the habit, if any person acts contrary to the rules of their society, of bringing their conduct before the managing body, and they are expelled from the society. I have no doubt the impression intended to be conveyed was, that they would be expelled from the society.

5070. Would that be looked upon as a disgrace?—Yes, certainly, that would be the effect of it; it would be a disgrace. I think I am right in the definition of it, that disgrace would follow.

5071. Mr. *Villiers.*] What do you mean by society?—It is the term that is generally used in speaking of the particular society, the particular sect, or the particular church.

5072. Do you mean that the Baptists would call themselves a society?—Yes, or the Calvinistic Methodists would call themselves a society; what they call society meetings are constantly held, at which the members meet for prayer, and for religious conversation; and on one of those occasions, it was urged upon the members, as a matter of duty, to support the Liberal candidate, those meetings being usually held for religious conversation and for prayer.

5073. Mr. *Hunt.*] Do you believe that those threats with regard to being posted upon the wall, were used by the ministers of religion in their usual places of worship?—It was used in the chapel I have mentioned.

5074. Is it the case that political sermons were preached in some of the dissenting chapels?—Yes, at a place called Llywell, which is the only contributory borough to Brecon, being a distance of 12 miles from Brecon, between that and Llandovery; and there a very strong political sermon was preached, after the same style of language that I have previously used in describing the other instance; in order to make myself acquainted with the fact, I have spoken, not to those who heard it, but to those who live in the place, and it was a matter of general belief, and they relied upon it.

5075. At the Carmarthenshire election, in 1868, was the same kind of language used to induce the persons attending dissenting chapels to vote in a particular way?—Yes, there was. At the last election, in November 1868, during the time of the polling at one of the booths, there was a raid made upon it; the booth was partially destroyed, and there was considerable excitement. Directly afterwards, a magistrate was raced into that booth, and the mob following him were very excited and threatening him. A dissenting minister caught hold of him, and said, "I will take care of you; I will prevent their touching you." He shook his fist at the mob, and he spoke strongly to them; he evidently had immense power over them, and he stayed them in a moment. I need not tell you that a Welsh mob is very excitable, but he stayed them in a moment. That was at Llanelly, and it was told to me by a solicitor, who was acting as an inspector in one of the booths. The police were sent for from Swansea, in consequence of the disturbance, and they came down.

5076. Do you believe that this sort of language, when used by ministers to their flocks, has any great influence over them?—Undoubtedly. I know one estate in Carmarthenshire, where the landowner was a Conservative, and it was known that he took an active part, and on the publication of the record of the votes he was surprised to find that a great number of his own tenantry, who had promised to vote for the Conservatives, had voted the other way, and he himself told me that he had no

Mr. *A. Cheese.*

4 May 1869.

doubt there was very great intimidation exercised upon them by their ministers.

5077. Is it the case in the elections in which you have been concerned, that the landlords use undue influence over their tenantry to induce them to vote?—The custom certainly is otherwise. It is usual for a candidate to obtain a letter from the landlord saying that he supports him, and that letter is shown to the tenants in the canvass, but the tenantry usually go with their landlords. The letter is generally worded in this way: "I shall have great pleasure in giving you my vote and influence, and I should be very glad to know that any of my tenantry support you." That would be a specimen of the usual letter which a landlord would write to a candidate. There is a strong traditionary feeling on the part of the tenants, that they have been in the habit, and their forefathers before them, of voting with their landlords, and they look upon it very much as a matter of course. I know many instances where men who entertain strong views, and are known Dissenters, holding under Conservative landlords, invariably poll for the Liberal party, without the slightest interference between themselves and their landlords.

5078. From your knowledge of the practice in those counties, have you found that where a tenant has voted against his landlord at an election, he suffers any ill consequence from it?—I never knew an instance of the kind. I have known a landlord feel and express disappointment at the time, during the day of the election, when he has been there, but I never knew it followed by any ill consequence. I am speaking with great knowledge of the Herefordshire contested election in 1852, and I was well acquainted with the contested election in 1856, and in the last election in 1868, when suddenly a contest arose; I am well acquainted with those three elections, and I never knew one instance where a person received a notice to quit that could reasonably be attributed to his having voted contrary to his landlord.

5079. Still, as a rule, tenants do vote with their landlords?—Yes, they do.

5080. Do you think they really do it as a matter of inclination?—If they were told that their landlord did not care how they went politically, the majority of them would endeavour to find out what would best please him in order that they should so vote.

5081. Even though the landlord had no wish at all to interfere?—Yes, I have found that to be the case.

5082. Have you ever heard tenants express a wish to have the ballot, in order to keep their votes secret from their landlords?—Never, as a rule; amongst farmers there is no general expression of that kind; if you meet with a farmer who belongs to the Liberal party, of course any particular "tenet" of his party, he would be found, as a rule, to hold with, but speaking of the farmers generally, I never heard them so express themselves; I am a member of two Chambers of Agriculture, and have been much mixed up with the landed interest, as an agent, and am otherwise familiar with the farmers in their houses and elsewhere, and with men holding different views, but I have never heard them so express themselves.

5083. Does the Chamber of Agriculture consist chiefly of tenant farmers?—Chiefly so; I am happy to say that the landlords now are joining them to some extent.

5084. You are not aware that the ballot has been a subject of discussion at those Chambers of Agriculture?—No; they keep from those matters as much as possible, and endeavour to avoid as much as possible almost any politico-agricultural subject, much less the ballot question, which is almost wholly political.

5085. Have you any opinion of your own with regard to the ballot?—I believe that any electioneering agent would almost be able to put his hands upon any person who had promised one way and voted another; I mean to say, that those who would be under such a suspicion would not consist of above five or six men; five or six men may be that sort of character that you would doubt them, even after their promises, but as a rule, you can tell at the end of the canvass pretty well how men intend to vote.

5086. Is it your opinion that, supposing the ballot was instituted at Parliamentary elections, it would be generally known in the neighbourhood of a voter how he voted?—Yes; more especially in the agricultural counties, because they have to travel to record their votes, and they travel with others and come back with others, and their conversation must tend to show how they are going to vote and how they have voted, unless there is a great deal of deception practised, which is not the characteristic of the people.

5087. In fact you mean that parties avow their politics and are proud of them?—Yes, at the time of an election they are; they are fond of wearing their colours and of showing on the day of the election how they voted.

5088. Do you think that if they voted under the system of the ballot, they would avow how they voted, and make no secret of how they voted?—That would be by far the prevailing idea, with very few exceptions.

5089. Do you think it would be an advantage that voters should have facilities for voting nearer their own homes?—I believe it would be a very great advantage.

5090. Have you ever at all considered how that could be effected?—Unless, parochially, in the board room of the parish; I have had experience with the present system of taking an election for guardians, and have always found it work extremely well. I have myself contested a town as an elected guardian, and have had an opportunity of seeing how it works, and I have seen it work extremely well. Under the Health of Towns Act, in appointing members, the same mode is adopted of taking votes, and I have always seen it work well.

5091. Do you think that the votes for Members of Parliament might be taken parochially?—I believe it would be a very great advantage if it could be so.

5092. That would take away the inequality which now exists between different voters on account of the unequal distances that they are from the polling-booth?—Yes; it is very hard upon an agricultural labourer to have to travel so far; he has to travel a long way at his own expense unless he is conveyed to the poll.

5093. That would save his losing the whole day?—Yes, and he would lose the excitement also, which very often ends in drunkenness, at the town where usually the voting is taken.

5094. And

5094. And it would save, for the most part, any mob violence, would it not?—It would.

5095. Mr. *Villiers.*] What do you mean by voting parochially; do you mean voting as people do for guardians?—No, I meant that they should record their votes in the parish where they dwelt, and that they should not travel out of their parish to record their votes.

5096. You mean that there should be some booth erected in the parish where they live, and that they should go and record their votes there?—Yes; if a room could be had so much the better; but if there was not one it would be very easy to erect booths.

5097. That plan would get rid of a good deal of excitement, would it not?—To a very great extent it would.

5098. Under the ballot they would not wear their colours and feel proud of their votes as they do now, which you say is generally done, but they would do it quietly?—Travelling together to the place where they record their votes naturally causes that sort of feeling which makes them wish to expose their colours, and so on; if they merely had to go to a particular part of a parish, averaging perhaps a mile from their home, they would come from different ways, and would naturally not have that excitement.

5099. How would it be with the influence which you have been speaking of so much; would not the dissenting minister have more power over them on the spot?—No, he would not have more power; he may exercise the same power, but he would certainly not have more power; but having got to the town, at the time of recording their votes, the town would be pretty full, and the booth being surrounded by a mob, would rather lessen the power of a dissenting minister than add to it in the county elections.

5100. But if any influence were to be used by a landlord or by a clergyman, it would have more effect on the spot than if you had a mob at the county town, where you would meet a great many different people?—I think it is open to that observation; I should fancy that it may be so.

5101. And you would recommend that?—I recommend the system not for that reason; I think that would be, perhaps, one of the weak points of it.

5102. With respect to the spiritual influence which you have referred to, I think I recollect that you never heard and never saw it exercised yourself?—In bringing up voters I saw it.

5103. But I think you alluded particularly to what took place in a dissenting chapel. I think that you said that they had preached political sermons, and that they had almost threatened their flocks, if they did not vote in a particular way, with what would happen hereafter?—I have understood so.

5104. You have never attended a chapel when anything of this sort has gone on?—I have not.

5105. Have you heard it from other parties?—I have.

5106. Did you ever hear it said by any person opposed to you in politics?—I have.

5107. They have told you, and have complained of it, have they?—I have heard it as short a time back as yesterday, at Brecon, from a Sunday teacher, who was present at a chapel in Brecon, when his minister preached to the effect which I have mentioned.

5108. Do you allude to that very strong kind of language that you said occurred in one case where a man was threatened with the penalties of the future if he voted for the Conservatives?—No, I do not; that was the case in which he chiefly pointed out that in voting for the Conservatives they were voting against their own religious sect; and, alluding to him, as he thought (at all events, it would apply to this Sunday teacher), he said "all persons aiding the Conservatives were really traitors to their own religious sect."

5109. He said that they were traitors to their own religious sect; but did he go so far as to speak to what would happen to them in the future?—No, not in that case; that was the other man.

5110. I think you told us the same thing was done pretty much in the Church of England?—I did not intend to say so. I was entirely misunderstood if I was supposed to say so.

5111. I understood you to say that the established clergy used their influence, also, over their flocks?—I am not aware of any influence used by clergymen of the Established Church in their churches. I have known them canvassing in their parishes, in the same way as any other person may canvass.

5112. In fact the clergy of all denominations were very busy at the last election, were they not?—Yes, more than I have previously seen them.

5113. They considered, did they not, that there was a religious question involved?—Yes, undoubtedly.

5114. I suppose you have heard language used by the clergy, and by persons taking the view which they do upon this matter, as strong as any that has been repeated to you that has been used by dissenting ministers, have you not?—No, certainly not.

5115. Do you ever look at the papers and see the account of the public meetings which the clergy attend?—I constantly read the papers.

5116. Have you not seen strong language used upon the subject of the Irish Church?—I have seen the political opinions of clergymen and their opinions upon the national policy of the Ministry; but as applying to voters amongst their own congregation, or elsewhere, I have not.

5117. Have you not seen that they said, that persons would be traitors to their religion, and disobedient to Heaven, if they voted for the Irish Church measure?—No; on the contrary, I have known a great number of clergymen who voted the other way; the vicar of my own town voted for a Member who was in favour of the disestablishment and disendowment of the Irish Church.

5118. I merely mean to say that you do not wish us to believe that it is only the dissenting ministers of religion that use their influence with their flocks, or their followers?—I believe that the Dissenting ministers have used their powers in an entirely different manner to the clergymen of the Church of England; that they have used more personal intimidation during the recent election.

5119. Personal intimidation they have not much power of using, have they?—Yes, in this way,

Mr. *A. Cheese.*

4 May 1869.

way, which is very different to the Church of England; if any member acts inconsistently with what they consider his obligations to their sect or society, his conduct is brought at once before the governing body; that is the custom and prevailing practice of Dissenters.

5120. Sir *George Grey.*] Do you apply this to all Dissenters in Wales, because there is a great variety of them?—The Wesleyan body are very free from it; and I should say that the Welsh Baptists refused permission for a meeting to be held in their chapel at Brecon, but it was held at another chapel afterwards, so that there is not uniformity amongst the different sects.

5121. Mr. *Villiers.*] You have only told us of a few, and you do not know them personally?—I have not been present in the chapel when such language has been used, but having heard it, I have endeavoured to obtain it from as good information as I could; I have inquired into the correctness of it, in order to see whether I should be justified in repeating it.

5122. What was it that you meant by using the chapel for political purposes?—Holding a public political meeting in the chapel, as it may be in an hotel or elsewhere.

5123. Or a vestry-room?—I never heard of a political meeting being held in a vestry-room.

5124. Have you ever known a public meeting being held in a chapel before?—I do not recollect any occasion upon which a public meeting was held before in a chapel, for a like purpose.

5125. Then it was peculiar to this occasion?—Yes; permission was refused by one dissenting chapel when it was asked for for that purpose.

5126. With respect to the influence that is used by landlords, you say that it consists in a letter that is sent to the candidate, and he shows it to the tenant, and thereupon the tenant votes for the candidate?—The election agent accompanying him round, and the other agents going round, use that letter. If more than one is required, copies are given, so that each agent undertaking the canvass of that district may be armed with that letter containing those sentiments.

5127. Have those tenants got leases?—No; it is almost the prevailing custom in my district of Herefordshire to hold as yearly tenants, but there is great fixity of tenure.

5128. That is to say, the same persons continue in occupation for a long time?—I should say that the average holding, even at one rental, would be equal to an average life ownership.

5129. And those people generally vote with the landlord, you say?—They almost invariably do; I look upon it as a relic of the old system, when the estates used not to be divided, when they paid no rent, and when a party of his men went with the landlord to the wars; that feeling seems to have been handed down, and it is a sort of traditionary policy to vote with their landlord; and I have heard that, for the last century at least, the tenantry have almost always voted with their landlords.

5130. Whatever his politics may be?—Yes.

5131. So that if a person votes black one day, and the landlord dies and his son succeeds him, and he is asked to vote white for him, he does it?—That is very much the case.

5132. That is when he ascertains what the landlord wishes?—Yes.

5133. And if the landlord does not send a letter round, they try and find out what will please him?—If there is a contest in the county, it is sure to be brought to the tenant's knowledge what the sentiments of his landlord are.

5134. You see no objection to that, do you; you can conceive a man wishing to vote against his landlord, as far as his opinion went, but you do not see any objection to his complying with the wish of the landlord?—I do not see any objection to his voting the same way as his landlord.

5135. And you object to the ballot?—I have not given such an opinion; the question was, how far I considered it would be a means of securing secresy; that was the question that was put to me.

5136. Are the Committee to infer that you are not altogether opposed to the ballot?—I do not feel any very strong idea about it; I do not think that it would effect what many believe it would; nor do I believe that it would be any disadvantage to the Conservative party.

5137. Supposing that people who had been to a chapel had heard a political sermon and felt themselves at liberty to vote as they liked, would that be a bad result?—I think that very likely they would vote according to what they had heard at the chapel. They would take their ideas from the minister's words. But what I so much object to is their being addressed there on political matters; I think that that rules their feelings, and that they would afterwards strongly wish to vote in accordance with the minister's ideas.

5138. But you would not do away with canvassing, would you?—I very much question whether you can entirely do away with canvassing; you may do away with paid agents for canvassing; and although I am a paid agent myself, I think it would be a very good thing if it were so done away with; but I do not think that you can prevent canvassing.

5139. But whenever there is a canvass the electors are liable, are they not, to be influenced by the person who addresses them?—But where there is a canvass now, some of the electors are liable to be influenced on the one side as well as on the other.

5140. Do you think that it would be an advantage for the voter to exercise his own judgment as to how he should vote?—It is almost impossible to leave it to his own unfettered judgment when people discuss matters of that kind. I say that every person is, more or less, biassed by the opinions of others.

5141. But you think he is fit to have a vote, do you not?—Yes.

5142. Ought not he to be considered fit to exercise it freely?—Certainly; you ought not to intimidate people in forming their own judgment, but the majority of the electors of the country are men of no strong political feelings; and many of them, perhaps, have formed an opinion solely because their landlord, or some other person in whom they have confidence, have formed an opinion, but in forming their own political views they have not thought any of these matters out for themselves.

5143. You admit that there is influence used by the clergyman, and influence used by the landlord, and, upon the whole, you are satisfied with the result?—Yes; I believe that the exchanging of opinion by all those parties, and other people in the parish, tend to instruct them upon

upon the matter, and they take their advice. I believe that there is no bad effect from it.

5144. That is not always the only influence that is used in the Welsh elections, is it?—No. I am sorry to say that both in England and Wales we have heard of other influences being used.

5145. When you alluded to Brecon just now, that was the election in 1868, was it not?—Yes, it was in November 1868.

5146. That was inquired into afterwards, I believe?—It was.

5147. I think there was a proceeding at the assizes in certain cases, was there not?—There was an indictment preferred.

5148. An indictment for bribery?—Yes.

5149. And an inquiry into the validity of the seat?—Yes.

5150. And the member unseated?—Yes.

5151. There was extensive bribery exercised at Brecon, was there not?—No; the judge reported that there was not extensive bribery.

5152. He did not report against the place altogether?—No; he reported that there was not extensive bribery prevailing at Brecon during the last election.

5153. Was the bribery only exercised by the agent of the sitting Member?—It was proved to be exercised by a man keeping a public-house there.

5154. But I suppose he was an agent, or supposed to be so?—He was returned as having received money, acting as an agent, for keeping a number of men to help to keep the peace, and so on. Upon those grounds the counsel for the then sitting Member explained that he should not contest the seat, and therefore he withdrew from the case.

5155. That was a clear case; but is there much of this sort of bribery in the elections throughout Wales; do you speak generally of the principality?—No; in South Wales there are very large boroughs, and I should think that their extent would prevent there being much bribery. I have recently seen another borough election, where I do not believe there was any bribery on either side.

5156. What place was that?—The contributory boroughs of Radnor. I believe that was an extremely pure election on both sides.

5157. But, in the large boroughs of Wales, was there treating?—I have no doubt that, the public-houses being open, partizans upon either side treated others whom they knew, and anybody, probably, who had not voted; and it is done by both sides. I mean that the same man may drink Conservative drink as well as Liberal drink the same day before he records his vote. There is a great deal of that, which tends very much to demoralise the polling day, going on through drinking.

5158. The public-houses are open on both sides, are they not?—Yes, the public-houses are open on both sides, and each person who knows that there is an unpolled man, on each side, is in the habit of treating him, and endeavouring to obtain some influence in that way; and it is one of the most demoralising scenes that you see upon the polling day.

5159. And after a good deal of that there is rioting, is there not?—We have seen that there have been riots at some places; English people are wonderfully free from quarrelling, notwithstanding all the excitement of an election; quarrels are not general amongst the English population.

Mr. *A. Cheese.* 4 May 1869.

5160. How is it with regard to the Welsh?—The Welsh are excitable; for as we have heard there was one case of riot; I do not know whether I am speaking accurately, but I am pretty clear that there was one very severe case: in the Monmouthshire election, there was a very serious riot.

5161. So that you must allow that treating, bribery, and undue influence were extensively practised in the Welsh elections?—I would not say that; I must leave out the middle word; I am not aware that bribery was extensively practised.

5162. With regard to those boroughs that you have spoken to, I think you say that it has not been practised except lately in the boroughs?—No; I said in answer to your question that some cases of bribery, by a person keeping a public-house, were considered as proved at the recent inquiry at Brecon.

5163. *Chairman.*] I understand that in your experience a large number of voters are subjected to two kinds of influence; the influence of the landlord on the one side, and the influence of the dissenting minister on the other?—Dissenting ministers have exercised considerable influence in these last elections.

5164. But do I understand you that a landlord usually exercises a certain influence over his tenant's vote?—I explained that, as far as I knew, the landlord, generally speaking, does not personally go from house to house to canvass his tenantry, but he writes a letter to the acting committee of the district for the candidate, stating what his views are, and generally saying that he would be glad if his tenants are able to give their votes in the same way.

5165. Still his opinions and wishes do exercise a certain influence over the votes of the tenant?—They do; but I think that the tenant is as anxious to vote the same way as his landlord is that he should.

5166. That is influence exercised by the landlord, is it not?—Undoubtedly it comes to an influence.

5167. When those two influences have been used in opposite directions, what, in your experience, is the general result; does the vote generally go with the landlord, or with the minister?—Recently, at the last elections in Carmarthenshire, the instances are that they have gone quite as much with the minister as with the landlord. I will not say more, because I do not know. I can speak of two particular instances of Conservative landlords having found that their tenants went the other way; the one is a case in Monmouthshire and the other is a case in Carmarthenshire, and the landlords have both told me that they found their tenantry voting contrary to their own political sentiments.

5168. Have you known any case in which a tenant has been dismissed, or suffered any bad consequences from voting against his landlord?—I never knew such an instance. I have known a landlord annoyed for the time being, but I never knew a tenant who had to leave his farm in consequence of his having voted differently to his landlord. I do not say that such cases do not exist,

Mr. *A. Cheese.*
4 May 1869.

exist, but I speak from considerable experience as a land agent.

5169. Is there not a very general apprehension among tenants that they will suffer if they vote contrary to their landlord?—Yes, there is no doubt that it may be taken that if they wish to keep their landlord pleased with them, it is better not to risk doing any act which will make him displeased, but beyond that general feeling I know of nothing else.

5170. Mr. *Edward Egerton.*] Was the election 1868 the first occasion upon which the influence of the dissenting ministers was used so very extensively, as you have stated?—Yes; it has been far more extensive at the late election than before.

5171. I suppose most of those dissenting ministers are Welsh, are they not?—Yes, they are.

5172. And they address their congregations in Welsh?—Yes.

5173. Those chapels belong in some degree, do they not, to the flocks who generally have a large interest in them?—Yes.

5174. And it is a sort of subscription, is it not?—Yes.

5175. They are members of a sort of building fund by which the chapel is raised?—Yes, they raise their chapels by a fund of that kind. Sometimes they have a debt upon their chapel, but generally speaking one of the body lends the money, and they have meetings and subscribe together until gradually they release it from that debt.

5176. Is it in consequence of that, do you think, that some of the members claim to hold meetings at those chapels?—No, I do not think so.

5177. Do you think that that is the action of the minister alone?—I think it is the act of the minister and the deacons. I do not know that they are exactly analogous, but the deacons are something like our churchwardens. They exercise, I think, the chief power over the chapel, and they have great power in that respect, because I think the building is in their name and it has been originally conveyed to them; the chapel has to be conveyed to trustees, in order to comply with the requirements of the Act of Parliament.

5178. As a general rule, do you think that the Welsh people are very susceptible of religious influences?—Very considerably so. For instance, a body of Welsh labourers coming down to reap will spend their Sundays in singing sacred music, although perhaps their week days were very differently spent, or rather the nights of the weeks, in drinking cyder to excess. They observe the Sabbath very particularly indeed, and they are certainly subject to considerable religious influences.

5179. You state, do you not, that you are in favour of taking the votes by voting papers?—I have seen it act well in the case of the elections of guardians.

5180. Do you not think that the same influence would be used for the purpose of filling up the voting papers in the way that the ministers wished?—Not if the penalties were made not too large and were strictly enforced. I do not think that great punishments in cases of that kind are very advisable. I think if the penalties were smaller and they were strictly enforced, it would be a means of preventing much interference with those papers.

5181. Are your elections of guardians generally contested?—Very often they are disputed in one parish or other in the union. The union with which I am connected, would average two or three contested elections.

5182. Have you found any instances of fraud practised in filling up the voting papers at the election of guardians when party feeling ran high?—No; I am speaking perhaps from a limited experience, as I only speak from what is within my own knowledge; I have not seen it so; I can imagine that it may be done when feeling ran high, but then it would be detected.

5183. There have been complaints from different parts of the country with regard to the election of guardians, have there not; I do not know whether there have been any from Wales?—I am not aware of any, but in collecting the papers you would have considerable means of detecting anything of that kind.

5184. In what way, when a paper was once signed, could you detect whether the signature had been obtained by influence or not?—You can examine the paper itself, and examine the voter as to whether it had been done by him or whom it had been done by.

5185. In the case of a large number of persons voting, it would be very difficult, would it not, to inquire whether every signature had been given properly?—If you had any reason to believe, in any particular case, that that was so, you could get at the fact.

5186. There are a large proportion of those Welsh tenants who are hardly able to write, are there not?—I am coroner in one county and I am deputy coroner in another, and I am glad to say that you very seldom meet now with persons acting upon a jury who cannot write their names; a few years ago you would have met with them, but you scarcely ever meet with them now; the old people are very much ashamed of it, when that is the case with them, and almost all the young people can write their names.

5187. You think, therefore, that education has been progressing very much in Wales?—Yes, very much indeed.

5188. You say that most of those tenants are perfectly willing to vote for their landlords; do not they take any interest themselves in political questions?—Generally in Wales they do not, except so far as regards questions that may be connected with their religion.

5189. Mr. *Raikes.*] You were asked just now whether bribery, treating, and intimidation prevailed extensively in the Welsh elections; are you aware how many petitions have been presented as the result of the last general election in Wales?—I cannot quite say; I do not at this moment recollect, but in South Wales I think there were extremely few; I do not know at this moment, besides Brecon, where to mention the next place.

5190. Are you aware that there were only two petitions presented in the whole of Wales, namely, Brecon and Pembroke?—I do not believe there have been more; I am under the impression that there have not been.

5191. Are you not aware, that for the last 20 years there has scarcely been a single case of an election petition in Wales?—I believe it is as you say.

5192. You have been asked about bribery at the last election at Brecon, in 1868; has there ever

ever been any rumour of bribery on any occasions besides 1868, at Brecon?—Yes, I should say there had been, speaking by rumour; answering the question generally, I should say I have heard rumours; you hardly ever come to the end of an election without there being rumours of bribery at the time, and generally threats, which very often come to nothing afterwards, but I am bound to say yes in answer to your question.

5193. I believe that Brecon has the character of being rather an exceptionally corrupt borough for Wales; is that not so?—Indeed I do not think that; the cases in which bribery was proved were chiefly amongst railway people, not inhabitants of Wales, but people who may be called in some measure a migratory or a new population, who are engaged on the railway, and those were the cases where bribery was alleged.

5194. You have had an election since 1868 at Brecon, have you not?—Yes.

5195. Was there any talk of bribery at that election?—I would rather say nothing about that, because the three weeks for lodging a petition have not passed, and I should not be justified in saying anything about it.

5196. With regard to the difference of the influence which clergymen and dissenting ministers use, I think I understood you to say that the influence used by the clergy was merely a social influence, such as any number of gentlemen might bring to bear upon persons with whom he was acquainted?—Yes; it was a mere matter of canvassing.

5197. But the influence exerted by dissenting ministers was an appeal to the superstitious or the religious feeling of their flocks?—Yes, I so wished to put it.

5198. Mr. *Whitbread.*] With reference to an answer which you gave early in your evidence, you said that it had come to your knowledge that threats had been held out to some members of a dissenting congregation that their names would be posted on the wall if they did not vote in a certain direction; did you ever know any persons' names posted on the wall?—No, I did not; I made that inquiry, and I found that no such thing had ever taken place.

5199. And you never heard of such cases occurring?—No.

5200. Is the fact of a man's name being posted on the wall supposed to be likely to be followed by his expulsion from the society?—What I said was, that I thought it would convey to the members a disgrace as between themselves and their co-religionists.

5201. Then this vague fear of being posted on the wall, which has never been realised in any single case, is sufficient, in your mind, to intimidate those who are so anxious, but for that, to express their political feelings, and show their colours?—I think that is one of the things that worked together, and made them feel that, as far as they could, it was their duty as a religious community to vote for the Liberals.

5202. Suppose you had the ballot, how would it be possible for a religious community to exercise that intimidation over any of its own members who chose to vote against the dissenting minister?—If political sermons are preached, and political addresses delivered in chapels, I fancy that the religious effect would be produced, and would carry this result as much with the ballot, or perhaps more with the ballot, than in any other way.

5203. I ask you how it is possible a man can be threatened with having his name posted on the wall if he voted under the ballot?—I do not see that it would.

5204. The possibility of that would be done away with, at all events?—Yes, by means of the ballot, recording his vote in secret, it would be as you suggest.

5205. Then that threat would be done away with?—Yes.

5206. Does not your evidence come to this very much, that you see no objection to a landlord, who is an educated man, and has formed a strong opinion upon political subjects, conveying that opinion by means of a letter to his tenants, and the tenants universally accepting it?—I see no objection to his making his own sentiments known.

5207. But you do see a very strong objection in a dissenting minister forming a political opinion and expressing it, and in his congregation accepting it?—I see an objection to his mixing it up with his religious duties, and making it a means of influencing his flock; I look upon that very much in the nature of priestly tyranny or interference, which has always been objected to by Protestants.

5208. Mr. *Leatham.*] In the Welsh villages and small towns, are there many buildings large enough for public meetings to be held in them?—There is now, generally speaking, a good national school-room in each village.

5209. But that would not be accessible to persons holding dissenting views?—No; I mean for the purpose of recording votes, not for the purpose of holding meetings.

5210. Is not the national school-room generally used as a place for holding meetings on the Conservative side?—I never knew a Conservative meeting held at a national school-room.

5211. Where were the Conservative meetings held?—I have known them held at hotels chiefly; almost always at hotels, and at shire and town halls.

5212. Were there not meetings held in the villages in Wales?—I do not know of any being held there; I dare say they may have been, but I do not know of my own knowledge of any being held in the villages.

5213. On either side?—With the exception of the chapel meetings.

5214. Of course it would be in those very villages in which there do not exist any large rooms that chapels were used for the purposes of holding meetings?—No, the only place I have spoken of as having been used for that purpose was at Brecon, where other places do exist.

5215. I thought you mentioned other places besides the town of Brecon in which chapels were used?—Then I did not make myself understood.

5216. Then you only refer to one public meeting in one chapel?—I only refer to one public meeting that came within my own knowledge.

5217. Is it not the practice in Wales to allow lectures on secular subjects to be delivered in chapels?—Yes; lectures delivered upon secular subjects, not upon political subjects, that I am aware of.

5218. The issue raised at the last election was regarded

Mr. *A. Cheese.*

4 May 1869.

regarded as a religious issue by both parties, was it not?—In Wales it was particularly so.

5219. So that the political meetings of which you speak were regarded as having a strong religious element about them?—Undoubtedly.

5220. I understand you to say that you object strongly to the political and spiritual influence exercised by dissenting ministers at elections?—Yes, I do.

5221. Can you suggest any remedy for that state of things?—No.

5222. Has it ever occurred to you that the ballot would be a remedy for that state of things?—I do not think it would at all; I think it is a strong mental influence which the ballot would not be a remedy for.

5223. Do we understand you correctly that you have not quite made up your mind as to the ballot?—I doubt whether the ballot will give the secrecy that many believe it will, because I think that people in their general communications with each other, must, more or less, make known how they have voted, because they must make their political feelings known.

5224. Did I understand you correctly to say that you would not consider the adoption of the ballot a disadvantage to the Conservative party?—I do not believe it would be.

5225. Nor would it be a disadvantage, I presume, to the country in that case?—I do not know that it would.

5226. Mr. *Hunt.*] What I understand you to mean is this, with regard to the influence used by ministers in elections, that if a minister threatens a man with eternal punishment if he votes in one way, and a person believed it, he would act upon it, whether he voted secretly or openly?—That is exactly my opinion.

5227. So that that sort of influence is an influence which no ballot protection would ever touch?—I quite believe that.

Mr. Ben Thomas Williams, called in; and Examined.

Mr. *B. T. Williams.*

5228. *Chairman.*] You are a Barrister, are you not?—Yes, on the South Wales Circuit.

5229. Have you had much experience in Welsh elections?—Yes, since the year 1861 I have had considerable experience in some elections.

5230. Have you heard the evidence which has just been given?—Yes.

5231. Is there any observation which you wish to make upon it?—I think it is entirely incorrect with regard to the undue influence which dissenting ministers are said to exercise over their people.

5232. You think that such influence is not used?—No, not in the manner described by the witness. A dissenting minister, from his position and character, has considerable influence in the district in which he lives; but my experience of what ministers do at elections is this, that they appeal to the people on the ground of principle, and show to them that, as consistent Dissenters, they must take a certain line, or ought to take a certain line; but I have never known anything beyond that. And, as for holding out any threat with regard to what was likely to occur to them hereafter, if they voted against their party, or about expelling them from their chapels, in all my acquaintance with Welsh Dissenters, which is very great, I have never known an instance of the kind.

5233. They are generally, I believe, very active people in their neighbourhood?—Yes, they are consulted to a great extent by the people generally, especially in the Welsh districts; a Welsh farmer looks to his dissenting minister as his chief adviser in all things.

5234. Are they generally active and striving people?—They are very active in the discharge of their duties.

5235. And they have considerable influence among the voters quite apart from their spiritual character?—Yes.

5236. And they are good canvassers, are they not?—Yes. With reference to the use of chapels, the Dissenters have not the same feeling with regard to the sanctity of any particular place that members of the Established Church and other religious denominations have, and consequently they continually permit their chapels to be used for secular purposes, and it is by no means an exceptional thing that they should be used for electioneering purposes.

5237. Have you known clergymen of the Established Church take an active part in elections?—Yes, very.

5238. What sort of influence have they brought to bear?—They have exercised the same kind of influence that the landlords and country gentlemen in Wales always have exercised. I know very well, in parishes with which I am acquainted, the clergyman has been the great Conservative power in the parish for years.

5239. Mr. *Edward Egerton.*] What county are you connected with?—I belong to the South Wales circuit. I am well acquainted with almost every county in that circuit, but I am more immediately connected with the county of Pembroke, of which I am a magistrate and a native.

5240. Have any instances of undue influence, in any shape or form, come under your notice, either by the clergy or by the landlords, or by any person?—Yes; I think that the landlords in Wales do exercise an undue influence in the elections.

5241. Will you explain what is the nature of that undue influence?—In two ways; first of all, by intimidation. On many large estates in Wales they do not grant leases, and their tenants are yearly tenants. Of course there is that feeling on the part of a tenant that if he does not go with his landlord in an election he will be turned out of his holding, and in certain districts of Wales which I know, the north part of Pembrokeshire especially, the first question that a tenant always asks is, which way his master goes.

5242. Is it not the case, as explained by the last witness, that in the great majority of instances a tenant has no desire to vote against his landlord's wishes?—That is so, there is no doubt of it. In the rural districts of Wales distant from towns, there is very little notion of political independence on the part of the Welsh voter.

5243. Without

5243. Without any pressure whatever, he wishes to vote in the same way as his landlord?—He generally says that he should like to vote the other way, but he must just go with his master. That is the answer that has been frequently given to myself.

5244. Is not that very often a civil excuse for not voting as he is solicited?—No; I have known many instances in which a tenant, if it were not for his landlord, would have gone for the Liberal party, whereas he has gone and voted for the Conservative candidate. In Mr. Lort Philipps's election for the county of Pembroke, in 1861, when he was opposed by Sir Hugh Owen, I went a good deal about in the north part of Pembroke canvassing for Sir Hugh Owen, and I found that the voters were strong in their sympathies with Sir Hugh, but they were compelled by their landlords to vote for Mr. Lort Philipps, telling us that they were compelled to do so.

5245. Is it your experience that this is general, or is it only on one side?—I think that landlord influence has also been used by the great Whig houses in South Wales, as much as by the Conservative houses.

5246. But do you know any cases where this influence has proceeded beyond the mere apprehension that something would happen; do you know any cases where actual threats have been used?—I have known cases of very strong letters having been written by the agent of the landlord; but I must say that my own experience is this, that I have never known any actual instance of eviction, on account of political views; I have known instances of strong pressure put upon tenants by landlords.

5247. Did you ever know a case where eviction has been threatened?—Not directly by the landlord, but I have known a case of such a threat by the solicitor acting for the landlord.

5248. Mr. *Hunt.*] Do you say that such language as the last witness has described, was never used in Welsh chapels?—Yes; the rumour got about, and it got into one of the papers; I have endeavoured to trace this rumour, and I have challenged the persons, who have been repeating it in my presence, to produce a single instance of anything of the kind.

5249. Did you ever make inquiry in Brecon?—No; I have been at Brecon, and I was professionally engaged there in the bribery cases at the last assizes.

5250. Have you ever made inquiry about the language used at Brecon in chapels by the ministers?—Yes, I have.

5251. Are you prepared to say that no such language has ever been used at a chapel in Brecon?—I do not believe it; I was not present, and of course I cannot say that it was not used.

Friday, 7th May 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Bright.
Mr. Cross.
Mr. Dalglish.
Mr. Edward Egerton.
Mr. Fawcett.
Mr. Graves.
Sir George Grey.
Mr. Gathorne Hardy.
The Marquis of Hartington.
Mr. Howes.
Mr. James.
Mr. Leatham.
The O'Conor Don.
Mr. Raikes.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. JOSEPH MURPHY, called in; and Examined.

Mr. *J. Murphy.*

7 May 1869.

5252. *The O'Conor Don.*] YOU are a Solicitor residing in Limerick, are you not?—Yes.

5253. Have you had considerable experience of elections, both Parliamentary and municipal?—I have had a good deal of experience

5254. First, with respect to the municipal elections in Limerick, do you think that they were generally carried on purely up to a certain date?—I think they were generally.

5255. In 1865 was there a change in that respect?—There was at the general election in November 1865.

5256. What took place at the municipal elections in 1865?—There was a very close contest for the mayoralty in that year, which came off on the 1st of December; and then at all the wards in the elections of the 20th of November there was a great struggle between the two candidates' voters or friends at the elections.

5257. Nearly every ward in the city was contested I believe?—No; there were only four wards contested, I think.

5258. Was the contest a political one, or was it a personal contest?—Entirely personal.

5259. At that election there was a great deal of rioting, was there not?—There was very great rioting indeed.

5260. In one particular ward were you not called in to give advice in consequence of the rioting?—I was sent for by the presiding alderman at three o'clock to advise him whether he had the power to adjourn the poll, as he was called upon to adjourn the poll till the following day, in consequence, as was alleged, of the fact that voters could not come up to the poll; that they were afraid to leave their houses from the mobs that paraded the streets. I advised him that he had no power to do it under the Act of Parliament.

5261. Do you think there were many persons prevented from recording their votes from fear?—One of the candidates, the candidate who was thrown out, was Mr. M'Donald, who was a candidate for the mayoralty also, and, in my presence, he handed in the names of 10 persons who, he alleged, were not able to walk up to the poll.

5262. Do you think there was bribery carried on to any extent in addition to the violence?—I cannot speak of my own personal knowledge; but the general opinion was that there was considerable bribery.

5263. On both sides, or on one side only?—On one side only; on the side of the person who succeeded. I may mention that a burgess came to me to bring an action for him against the person who bribed him, from whom he received a half-note for 10*l.* to vote for particular candidates, and he voted for the other candidates afterwards, and he then came to me to know if I would bring an action against the person who gave him the half-note.

5264. Did you advise him to carry on the action?—I declined to be the person to bring it.

5265. Sir *George Grey.*] Did he get the other half-note?—Never.

5266. *The O'Conor Don.*] Was there much treating carried on at the election?—There must have been, for I myself saw a drunken mob parading the streets in all directions, and windows broken.

5267. Was the treating confined to treating the mob?—Yes.

5268. Not to treating the electors for their votes?—Not to my knowledge; I saw no electors drunk; but I saw plenty of drunken mobs.

5269. Has the defeated candidate at a municipal election any mode of redress if he be defeated by improper means?—No; practically he has no redress.

5270. Is there any provision in the Irish Municipal Act for the repression of bribery and corrupt practices?—Yes, there is.

5271. Could you state what is the provision?—Sections 90 and 91 of the Irish Municipal Act impose a penalty of 50*l.* upon any person who bribes, or any person who takes a bribe to be paid to any one who brings the action.

5272. Where

5272. Where can that action be brought?—In the superior courts, and the penalty of 50 *l.*, with costs of the suit, according to the words of the Act.

5273. Such an action could not be brought without great expense, I presume?—No, not without considerable expense; the costs would probably be about 100 *l.*

5274. As far as your experience goes, has any advantage ever been taken of that Act; has there been any attempt made to put it in force?—Not during the time that I have been connected with Limerick.

5275. Would you propose any alteration in the law, giving a defeated candidate, at a municipal election, the means of redress when he is defeated by improper means?—I think that it would be very desirable not to leave him entirely without remedy, if he loses his election by unfair means; what I suggest would be that the defeated candidate, or any burgess, might present a petition similar to the one that is now presented in Parliamentary elections, but on a cheaper scale, to be tried before a judge of assize; it should be rather cheaper than the inquiry now held.

5276. Do you mean that there should be an inquiry before a judge of assize in the ordinary way?—Yes, the petitioner lodging 100 *l.* for costs; I think that the existence of such an Act would be deterrent, and moreover likely to prevent any improper practices at an election.

5277. At present there is no deterrent at all, because this action, in the superior courts, is one that never would be resorted to?—It never has been.

5278. What is the qualification for the municipal franchise in Limerick?—It is nominally 10 *l.*, under the Act of Parliament, but practically it is only 8 *l.*, because the landlord's repairs and insurance are brought in, and that is assumed to be about 2 *l.*, and then the 8 *l.* rating gives the qualification.

5279. The Parliamentary franchise is much lower than that, is it not?—It is one half only, 4 *l.*

5280. The number of the Parliamentary electors, therefore, is considerably greater, is it not, than that of the municipal electors?—There are about twice as many, but that is not altogether occasioned by the difference of the qualification, because there are liberties or rural districts about Limerick where the rated occupiers have the franchise to the town; I think there may be from 200 to 300 persons within the city proper, more upon the Parliamentary roll than upon the burgess roll.

5281. What is the mode of voting at the municipal elections?—There are an alderman and two assessors besides, and the voter signs a written paper giving the name and the residence of the person that he votes for; and it is open voting.

5282. Must the voter hand in the written paper himself?—Yes.

5283. Do you know whether there is any difference in the law between the Irish mode of conducting the municipal elections and the English mode?—I rather think not. I believe that the Irish Act was formed upon the model of the English Act; that is my recollection of it.

5284. Have you also had experience of the Parliamentary elections in Limerick?—Yes, I have conducted a good many of them.

5285. As far as you know, has bribery prevailed at those elections?—No; as a rule I scarcely know what bribery is in Limerick.

5286. Does treating prevail there?—The treating of non-electors has always prevailed there.

5287. And the hiring of mobs?—Yes.

5288. As to the treating of non-electors, is not that turned into a species of bribing the publicans and small grocers?—The publican or the small grocer will expect that he will get orders for drink from whatever candidates he is going to vote for; that is to say, from the friends of the candidates that he is going to vote for; he will expect it, and he will announce that he expects it.

5289. And do you think that the vote is to a certain extent dependent upon getting those orders?—I think it must be influenced to a very great extent by that circumstance.

5290. The hiring of mobs at those elections is almost the universal practice there, is it not?—Yes, it has been universal at every election that I ever knew in the city of Limerick; there have been mobs on both sides.

5291. When a mob is hired upon one side it becomes essential to the other side to hire a mob also, does it not?—It is indispensible then.

5292. At the last Parliamentary election for the city of Limerick, was there not a curious combination between the Conservatives and those of the electors who had Fenian proclivities?—Yes, one of the candidates had for his colleague Mr. Pigott of the "Irishman," and that, of course, evoked the feelings of any persons having Fenian sympathies in the town, and they went that way.

5293. And the Conservatives supported him also?—They did.

5294. This contest, I believe, was a very unexpected one?—It was unexpected down to the day before the nomination day.

5295. How did it first show itself; was not there a large mob hired?—It was unkown till the Monday morning, the nomination day being on the Tuesday, and on the Monday morning a large canvassing party for Tate and Pigott were seen in the streets, accompanied by probably from 400 to 500 men canvassing, and cheering and shouting, and making a general noise.

5296. And the other side immediately then had to engage a mob to counteract them?—It then became a matter of necessity for the canvassing party on the other side, as they could not go out to canvass.

5297. And between the two mobs the town for those days was in a state of complete disorder, was it not?—Yes; there was tumult, disorder, and breaking of windows.

5298. Sir *George Grey.*] Are you speaking now of the nomination day?—It was on the Monday, the day before the nomination day, that this scene took place about the hiring of the two mobs; and that night there was tumult and disorder in the town, and of course that continued until the election was over.

5299. *The O'Conor Don.*] Was this mob intimidation which you speak of, carried on to intimidate the voters or to prevent their going up to the poll?—To intimidate them beforehand.

5300. Was the intimidation to prevent their voting at all, or to make them vote in accordance with the wishes of the mob?—The object of course was to get them to vote in accordance with

Mr. *J. Murphy.* 7 May 1869.

with the wishes of the mob, but what I meant to convey was, that practically upon the polling-day there was no obstruction to anyone that chose to go up to the poll or to his voting, because there were plenty of police and military, and the town was perfectly quiet upon the polling-day.

5301. Then, the mob intimidation was preceding the polling day?—The mob intimidation was on the day and night of the nomination day, and very much upon the intervening day.

5302. Do you think that a mob has much effect upon voters in frightening them?—I think it has upon the lower class of shopkeepers in the town; beyond all doubt, they are influenced very much by what is the popular current feeling of the town and of the people around them.

5303. Have you had any knowledge of landlord intimidation, or the influence of customers over shopkeepers being brought unduly to bear at those elections?—In the liberties or rural districts which contain between a third and a fourth of the Parliamentary electors, the usage is that the landlord and the agent bring up the voters in batches, when they take a part in the elections at all.

5304. Do they bring them up under a guard?—I have seen them brought up under a guard of police and military, and I have seen some of them brought in carriages and cars down to the polling place, surrounded by the military.

5305. Along with the under-agents or drivers, as they call them?—Yes; the agents being with them.

5306. Do you think that this mob intimidation which you speak of is brought to bear more upon the electors who are supposed to belong to the same side as the mob, and who are through other influences supposed to be going against that side?—Yes; I speak of Limerick now; to distinguish them, I will call them Catholic voters; and it is entirely to influence their votes that the mob is ever used or employed.

5307. The Liberal mob does not interfere with the regularly recognised Conservative voters?—No; very few cases occur of windows being broken belonging to the Conservatives, but they constantly break the windows of a Catholic elector who they think is going to vote against the popular party.

5308. The Roman Catholic priests in Limerick, as in other parts of Ireland, have a good deal of influence, have they not?—Yes; they have very great influence indeed.

5309. The influence that they have, I presume, is chiefly in persuading the people that a certain course is the right course?—Yes.

5310. Do you think that, if the people believed that the priest was taking a wrong course, he then would have such influence over them as to make them vote against their own convictions?—I think that the priests ask the people to vote, from my knowledge of the people, in the way that the people would like to vote themselves.

5311. Do you think that the priest's influence is rather brought to bear to encourage the people to stand up for their own convictions?—Yes; to counteract that of the landlord and agent.

5312. If those other influences were withdrawn the priests would probably not interfere much in the matter?—There would be no occasion, I believe, for the feeling of the people would be to vote for the Liberal candidates; I speak of the Limerick Catholic electors; their feeling would be vote for those who are known as the Liberal candidates.

5313. But supposing that there was such a case as this, that there were a priest of Conservative opinions, do you think that he would have much influence over those people in making them vote contrary to the Liberal politics, which they usually adopt?—I think not, if the landlord was not interfering, but if the landlord and the priest were together, of course it would give them great encouragement to vote for the Conservative candidate.

5314. What do you think is the only remedy for all this corrupt influence of much intimidation and treating?—I do not know of any other remedy to prevent those corrupt influences at elections but the ballot.

5315. Do you think that if the ballot were established it would put a stop to such influence as the influence of customers over shopkeepers?—I think it should, because I assume that the ballot would be perfectly secret, and that no one would know how a person had voted.

5316. And also the influence of landlords over their tenants?—Yes.

5317. Do you think it would also do away with what appears to be the state of things in Limerick, namely, the necessity for having mobs?—I think it would; if an election took place in Limerick next week I think it would be a matter of necessity to have a mob.

5318. If you had the ballot you do not think that that would be necessary?—I should hope so; that is the only remedy that I know of, or that can be suggested.

5319. At present, I presume, from your evidence, you think that there is not real freedom of election either in those municipal or Parliamentary contests?—I do not think that there is thorough freedom of election.

5320. Do you think that if the ballot were established, and any Catholic differed in opinion from his priest, and voted on the other side, he would afterwards tell the priest that he had so voted?—He might tell the priest, or he might tell the landlord if he voted for him.

5321. But if he voted against him, would he do so?—He would not tell him that he had voted against him, of course.

5322. You are a Roman Catholic yourself, are you not?—Yes.

5323. Do you think that if you voted honestly, according to your own convictions, the priest would have a right to ask you in the confessional how you voted, or if he did ask you, that you would be bound to answer him?—Most certainly not; I am quite certain that such a question would not be put.

5324. And if it were put, you would not feel bound to answer it?—Certainly not.

5325. Further, you do not think, probably, that the ballot would give the priest more than any other person any undue influence over the voters?—I do not think it would give the priest more influence; it would give the popular party very considerable advantage in the part of Ireland where I am living.

5326. Do you mean because it would enable people to vote in accordance with their convictions?—Yes, and that is the way in which the priest always asks them to vote; at least, that is the side which he interferes for.

5327. Mr. *Villiers.*] You spoke of mobs being hired;

hired; do you know what the terms are, or whether any contract of any sort is made with the mob?—I heard it proved upon the petition for the last election, that they were hired on one side at 2 *s.* 6 *d.* a day.

5328. But what were they to do?—They were to assemble in the streets, and go along with the candidates and the canvassing party, and cheer, and shout, and then attend in the Courthouse upon the nomination day to cheer, and to get a show of hands for the candidates, and to endeavour to give them a prestige of popularity in the town; that is all that the mob do.

5329. Do they undertake to have any weapons, such as bludgeons, or any other means of intimidating people?—No, they do not undertake to do that, but they certainly come armed with bludgeons very frequently.

5330. Are they under any discipline; is there somebody that gives them directions, or leads them?—Yes; there is always some friend of the candidates who interferes, and who employs the heads of the mob.

5331. It is a well understood thing, is it, that they are hired and organised for the purpose?—It is.

5332. And it is perfectly notorious in the place?—Perfectly notorious.

5333. Then you say that as the election goes on they are induced to destroy property?—Yes, the mobs will then come in contact constantly, and assualts take place and lives have been lost even.

5334. I think you say that the mobs are very much regarded as a matter of necessity?—Yes.

5335. It is notorious, therefore, that those mobs are hired and organised for the purpose of creating a disturbance and intimidating the inhabitants?—They are hired for the purpose originally of accompanying the canvassing party, but it ultimately leads to a collision between the mobs.

5336. What part do the magistrates take upon those occasions?—The magistrates, of course, when any riot takes place bring out the constabulary and disperse the mob.

5337. But knowing what the purpose of those mobs is, do they not take any precautions beforehand to prevent collisions?—They do very commonly, and the military and police are brought into the town, but they cannot be everywhere; when the police and military are called out to a street it may be too late. Some breaking of windows have taken place and assaults have been committed, and then they come too late.

5338. If it is a recognised part of the election that there is to be those riots and intimidation, it is known before-hand that that will take place?—Not until one side hires a mob, and then it becomes perfectly indispensable that the other side should hire a mob.

5339. You have known several elections at Limerick, have you not?—I have known several elections.

5340. Is it usual at those elections to have those mobs?—It is perfectly usual.

5341. And there has been no attempt made to prevent it?—There has been no effectual attempt to prevent it.

5342. What has taken place after heads are broken and property destroyed; do the magistrates then interfere at all?—Then if the police upon information arrested anyone, they were brought out to be dealt with under the ordinary course of justice. At the last assizes there were several persons convicted for assualts and riots that took place at the election.

5343. Were the men on both sides convicted of those assaults?—Yes, on both sides.

5344. Do the magistrates never meet for the purpose of considering whether it should not be prevented before-hand?—They meet to make the best arrangements they can, and they very generally divide themselves through the town; a couple of magistrates preside in one part of the town and a couple in the other; but, as I said before, the military and the constabulary cannot be everywhere.

5345. You say, do you not, that the priests interfere and the agents and landlords interfere?—They do in the liberties especially.

5346. Each trying to influence the people dependent upon him to vote in a particular way?—Yes.

5347. And they do not do anything to disguise those mobs?—No; I do not think there is any effort made to disguise them or to put them down.

5348. It is looked upon as a necessary part of the election?—Yes, it is.

5349. I think you spoke of three parties, the Liberal party, the Conservative party, and another party, which was represented by the editor of the "Irishman," that is, the Fenian party?—Yes.

5350. Did the last have a mob of their own, or did they act with either of the others?—They had a mob of their own at the last election, and the Conservative party coalesced with them.

5351. Which did the two that coalesced lean to, the landlord party or the priest party?—The landlord party leaned to them and made use of them for the purposes of the election.

5352. The landlord party and the Fenian party combined?—They did; but the landlord party had no mob, they merely used the Fenian mob.

5353. Do you know what tempted the Fenian mob to act with them; was there an arrangement before-hand, as you state in other cases there is, was there a hiring of the Fenian mob of the landlord party?—I do not think there was a hiring of the Fenian mob, because I think that the Fenian mob acted upon their own impulse in opposing what were termed the Whig candidates at the election.

5354. Upon which side were the Roman Catholic clergy?—They were all on one side, in favour of the Liberal candidates.

5355. And the Fenians were against the Liberal candidates, were they?—Yes, they were entirely against them.

5356. When you speak of the landlord party, whom do you refer to in the borough of Limerick; would it be the owners of houses?—No; I am speaking more of the rural districts, the Conservative holders of land there.

5357. That is to say, there is some land included in the borough?—Yes; the rural district includes, I believe, between one-third and one-fourth of the entire constituency.

5358. Have the priests no influence over those tenants?—They have, of course, if the landlord does not interfere; but when the landlord interferes, he is almost always successful in getting one vote from the tenant; the tenant will always give one vote to the landlord and the other to his country, as he terms it.

Mr. *J. Murphy.*

7 May 1869.

5359. If the priests are on the one side, do they not act sometimes with the landlord?—I never knew an instance of it; that is to say, where the landlord was on the Conservative side I never knew an instance of it.

5360. Is it considered that the interests of the priests and of the landlord are antagonistic?—They are antagonistic in political matters, because the one is in favour of one set of principles, and the other in favour of another.

5361. The landlord being Conservative, and the priest Liberal?—Yes, the tenant being a Liberal and the tenant being a Catholic.

5362. But I suppose the tenants are Catholic in the country districts, are they not?—They are nearly all so.

5363. But in those cases they do not heed the influence of the priests?—They do by giving the priest one vote where the landlord presses for the other vote; and if the landlord does not press at all, the priest carries off the two votes.

5364. And unless the Fenians interfere, there is nobody else to influence him but the priest or the landlord?—There is no one else; but the voters in this district are a very intelligent body of farmers, and they appear to me, from my intercourse with them, to understand public affairs very well, and if neither the landlord nor the priest interfere, I think that they would be quite competent to vote for themselves.

5365. But as it is, they neutralise their vote, because they have been giving one to the priest and the other to the landlord?—That is the way it turns out where the landlord interferes.

5366. Is there ever an occasion when he does not?—Yes, at the last election for Limerick the landlords did not interfere generally at all.

5367. They relied upon the Fenians, did they?—There was not sufficient notice; there was not much organisation in the liberties, and the result was that the Liberal party led off nearly all the voters in those rural districts.

5368. Who went with the Fenians?—The voters in the town; a great many of the highest Conservatives in the town voted for Mr. Pigott.

5369. Was Mr. Pigott a candidate?—Mr. Pigott, the editor of the "Irishman," was a candidate, and a great many of the Conservatives in the town voted for him and Mr. Tate, and then a great number of the humble Catholic electors voted for the same candidates.

5370. However, you disapprove of this system of influence that takes place at Limerick, whether by rioting or by the influence of property, I think you say?—Of course I disapprove very much of the influence by rioting and mobs generally in Limerick, and would be very glad to see it put down.

5371. You have never made the experiment of applying the law to prevent it, but you think that the ballot would be the best course to adopt?—I think that the law has been put in motion as far as practicable to prevent it, but it is not possible to guard the town sufficiently. It is at night very commonly that the rioting takes place, and the windows are broken and the whole mischief is done before the constabulary can reach the spot.

5372. Do you think that everybody would abstain from using influence if you had the ballot?—I do not see what the object would be, for it would not be known afterwards how the people voted.

5373. I suppose the priest knows how to influence the voter as well as the landlord, by addressing him, and all that would take place, would it not?—Of course it would.

5374. You would not put a stop to canvassing?—No, certainly not to canvassing.

5375. You would have people assemble, and you would have strong speeches made?—Yes, merely for the announcement of their opinions, to address the people and tell them what their principles were.

5376. From what you know of the city of Limerick, do you think that the result would be very different from what it is now, supposing they all voted freely?—I do not think that the result, in a political sense, would be different. I think that Members of Parliament of the same principles would be chosen then as they are now; but the town would be saved from the tumult and disorder that prevail at the elections.

5377. I think you infer that the result would be the same in one respect, at least so far as the Liberal candidates went, because the priest generally goes with the people, and he does not attempt to influence them against their own convictions?—That is my belief.

5378. And do you believe, being a Roman Catholic yourself, that he would not have success if he were to attempt to do so?—I think he would not, unless the landlord was of the same side. If the landlord pressed for the vote of a tenant, and in that parish the priest was on the same side, I think that then the tenant's vote would be perfectly certain on that side, whereas it might be doubtful otherwise. Some would go with the priest and others with the landlord.

5379. Have you known an instance of the priests using their influence and failing, supposing they were against what was the popular view at the time?—Yes; I know that in the city of Limerick at the last election a great many Catholic electors voted against the arguments and persuasions, and influence of the priests.

5380. What are the Fenians generally; are they Roman Catholic?—They are. Some of the voters that I have last mentioned were of that class that have Fenian sympathies.

5381. They avow their independence of the priesthood, do they not?—Yes, they do avow their independence of the priesthood.

5382. What is the franchise in Limerick; is it very low?—£. 4 rating. The Parliamentary qualification is only one-half of the qualification of voters for the town council, which appears to me to be a very great anomaly; at least that is a question which ought to be considered.

5383. Then the franchise is higher for the town council?—Yes, twice as high.

5384. Do the same proceedings take place at the election of municipal officers as take place at the election of Members of Parliament?—No; because there is no interest to any extent taken in the result of those municipal elections.

5385. Sir *George Grey.*] You spoke of rioting, drunkenness, and bribery prevailing extensively at the municipal elections?—I did with respect to 1865 only.

5386. Do you apply that to one election only?—Only to one election; I never knew rioting to prevail at all except in 1865.

5387. Mr. *Villiers.*] You say, I think, that the military are called in upon the occasion of those elections?—They are.

5388. Did they act upon the last occasion?—The

The military were called in, but they really had no occasion to act; because upon the polling day, for which they were called in, everything was as quiet in the city of Limerick as it is in this room; there was no obstruction to any one.

5389. But were the mobs pretty equal on both sides then?—No, they were not at that time; the mob, I may say, very much disappeared on one side.

5390. But that is the important moment when people go to give their votes; does the mob generally cease to act upon that occasion?—They do.

5391. Is everything settled by what they have done before?—It is; whatever intimidation prevails is always brought into operation upon the day before the polling day; the mob appear to know the law that there must be no obstruction upon the polling day.

5392. There is no obstruction of voters on the polling-day?—There is not; at the last election, which was as violent an election as ever I knew in Limerick on the polling day, things were as quiet as they now are.

5393. There is nothing that you know of that makes it improbable that this would recur again; supposing there was to be an election at Limerick, there would be just the same proceedings repeated as you have described to-day?—I think if there was an election in Limerick next week, and one candidate were surrounded with a mob, it would be a matter of necessity to have a mob on the other side; then, unfortunately, the mobs will come into collision, and, according as the election goes on, they will proceed to actual violence.

5394. That is the state of Limerick now, and are you of opinion that something should be done to prevent the recurrence of those scenes?—Yes, I wish there was something that could be done.

5395. Sir *George Grey.*] What do you think could be done?—I have already suggested that the only thing that I could hope to be a remedy would be the ballot.

5396. What would the effect of the ballot be upon those mobs; if I understand you rightly each party canvasses accompanied by mobs?—Yes.

5397. And you think that the influence of one mob, I suppose, is about as great as the influence of another?—Yes.

5398. But on the polling day everybody is free to go to the poll as he likes?—Yes.

5399. How would the ballot prevent a candidate being accompanied by a mob on his canvass?—The object of such a mob is to influence voters, and, of course, a voter knows that the way he votes will be afterwards known, and he would be subjected to popular indignation if he did not vote in a particular way.

5400. Is there any disturbance after the election is over, after the polling is closed?—No; I have not known anything like a disturbance after the election.

5401. Have any acts of violence been committed by those mobs, or by other persons, upon voters voting contrary to the wish of the mob?—No; not after the election.

5402. I understood you to say that those mobs on both sides were equally strong, therefore the voters must vote against the convictions of one or other of those mobs; do those mobs, or the individuals taking part in them, practice any actual violence upon voters after the election?—The mobs do not remain equally strong, because one of them usually has the mastery; that occurred at the last election, because before two days the mob on one side, the Fenian side, had entirely disappeared.

5403. I think Mr. Pigott, who you say, was extensively supported by the Conservatives, polled a very small number compared with the other candidates?—He polled a very small number compared with the other candidates, but he was a mere stalking horse for his colleague, who polled within 74 of the next candidate on the poll.

5404. Mr. *Cross.*] I do not understand what you mean in your answer to the right honourable Member; how could the ballot possibly prevent those mobs?—Because the candidates would feel that there was no use in having a mob to influence a man's vote when it would not be known how he would vote.

5405. Do you mean that a man standing for election would not try to influence, in any legitimate way, the voters, although he might not know how they voted?—Of course he would.

5406. And if he thought that a mob would influence people, he would be just as willing to use a mob whether he knew how the people voted afterwards or not?—That would apply to bribery also.

5407. Confining yourself to a mob, will you show me how the ballot could possibly affect a man's making use of a mob or not?—If a candidate knew that the way in which a man would vote would never become known, I do not see what good it would do him to try to influence the voters.

5408. But a man would try to influence voters in every legitimate way, would he not?—Yes, every legitimate way, but I do not call a mob a legitimate way.

5409. Do not you think he would also try to influence them in an illegitimate way?—I should hope not.

5410. Then it is the fact of their knowledge simply that makes it advisable or not to influence them?—I think in the view I take of it, it would have the effect of preventing perhaps bribery as well as intimidation, the one as well as the other.

5411. Do the priests ever take any active part in the elections in Limerick?—Yes, very active.

5412. Are they in the habit of commending men in their sermons and spiritual discourses openly in the churches?—I never heard it myself; it so happens that I do not attend mass at the parochial chapel. I attend one of the chapels of the regular order at Limerick, but I never heard that myself; I never heard a word spoken from the altar in Limerick about political matters.

5413. Mr. *Raikes.*] I think you stated that one of the main objects of having those mobs was to give a candidate a sort of prestige of popularity in the town?—Yes.

5414. And as the mobs do not parade the streets as you say on the polling day, I presume they come out in great force on the nomination day?—Great force indeed, and on the intervening day I am sorry to say it is the worst of all. There is generally a day intervening between the nomination and the polling, and that interval is intended to give the sheriff an opportunity of erecting booths and making all the necessary details of the machinery for holding the election.

5415. Is not it very often arranged that the nomination

Mr. *J. Murphy.*

7 May 1869.

nomination day shall be on the Saturday, and the polling day on the Monday?—If he is a friendly sheriff.

5416. But it is, as a matter of fact, very frequently the case that Sunday is allowed to intervene between the nomination and the poll?—Where there is a friendly sheriff, it is; but where there is an unfriendly sheriff, he may hold the election upon the Saturday, to guard against that.

5417. A friendly sheriff to whom do you mean?—A friendly sheriff to the popular candidate, to the Liberal party.

5418. But Sunday, I suppose, is a good day for canvassing on behalf of the Liberals?—That, I suppose, is the reason; but there is a practice prevails that the Liberal candidates always go out upon the Sundays to meet the voters of the parishes in the rural districts, coming out from the chapels and addressing them there. It has always been thought that the Liberal candidates have the Sunday intervening for that reason, and for no other.

5419. There is a great deal of influence brought to bear on both Conservative and Liberal electors, on the Sunday?—In the way I tell you; I have gone out myself with the Member, in the rural districts, and we have met people outside the chapel congregated before mass and coming out from mass, and have spoken to them.

5420. Has the priest never addressed them on those occasions?—Yes, he has, outside the chapel; he generally introduces the candidate, and he makes a speech himself.

5421. Do not you think that a good deal of this rioting might be stopped if the polling day immediately followed the nomination day, as it does in England, and if there was not a day's interval given upon which mobs can be brought to bear upon the people?—Yes, I do; I think it would be very well if there was no nomination day at all. There was a tremendous tumult at the last election at Limerick; there was not a single person heard on the other side, either the candidates, or the mover, or the seconder; it was all dumb show.

5422. Then you think there would be much less rioting, and much less use of mobs?—I think there would, because they could not be used upon the nomination day for the purpose for which they are used.

5423. You think that really the use of those mobs is rather to create a popular idea that such a candidate is strong in the town, than to intimidate voters on the election day?—That is the original intention; but, according as the excitement grows, they come into collision, and from collision they proceed to violence, and they break windows, and very often they break heads.

5424. Mr. *Graves.*] Did both mobs disappear on the day of the polling, or did only one?—Upon the day of the nomination there were two mobs in the Court-house, and they both had sufficient power of lungs to prevent each other being heard, but the mob on one side disappeared certainly before the evening of the intervening day.

5425. Can you explain that?—Because the other mob was the popular side, and became more numerous, and the mobs of the Fenian side disappeared; they were afraid to come into the streets as such.

5426. Was that the reason of the great quietness on the day of the polling?—No; in any election that I have ever seen in Limerick the polling day has always been quiet; it appears to be understood there that the polling day is always quiet.

5427. Do you remember the previous election, when Mr. Spaight was a candidate?—Yes, that was in 1859, when he petitioned.

5428. I thought two years ago he stood for Limerick, and withdrew in consequence of the rioting upon the day of the polling?—He did not petition upon that occasion.

5429. But he withdrew, did he not?—No; he went to the poll, and was beaten by Mr. Russell by 174 majority.

5430. Was there not considerable rioting on the day of the polling at that election?—I do not think there was on the day of the polling, but there was the evening before very considerable rioting.

5431. I suppose that a personal canvass rather conduces to those mobs?—Most certainly.

5432. And it makes it almost a necessity that the candidates should go protected by those mobs?—Where a mob appears on the other side, it does, but at the last election that mob appearing upon the Monday, the day before the nomination day, there was no mob of any kind whatsoever on the side of the Liberal candidates; they went out half-a-dozen at a time to canvass.

5433. Supposing a personal canvass was dispensed with, would you consider that that would be one means towards the end of quieting the town?—I do, because I think that the original intention of having a mob going about with a canvassing party is to give prestige and popularity to the candidate.

5434. Would you see any objection if personal canvassing was made illegal?—I would see no objection at all to that, because people appear to me to thoroughly understand every man in his politics.

5435. Had you a sufficient number of polling places do you think at the last election?—Abundant; the polling is kept open till 5 o'clock, and in some of the booths there was nobody polled after 3 or 4 o'clock, and there is provision in the Act of Parliament for having an increased number of polling places if a candidate chooses to call for them.

5436. You mentioned that some cases of convictions had taken place for assaults, can you mention at all what the punishment was?—At the last assizes there were three or four persons convicted of a riot and assault, and there was a very heavy sentence, 12 months' imprisonment, and they are in gaol at the present time.

5437. That, I presume, would be for some exceptional rioting, and not the usual punishment for election assaults?—There was an assault proved in that case.

5438. Is it generally the custom after an election to proceed with those cases?—No, it is not, unless it be a very aggravated case. There appears to be a kind of amnesty proclaimed after the election on both sides, unless there is something very bad.

5439. Do you think that the law is sufficiently stringent as it now exists, with regard to the punishment of offenders at an election for assaults?—I think it is, for the judge of assize has the power of inflicting up to two years' imprisonment, if he likes.

5440. Do you think it desirable that the law should be put in force more frequently than it is?—Yes, if you could get anyone to do it;

it; but all parties appear to have a disinclination to keep alive the ill-feeling, and the matter is allowed to drop, unless it be a very aggravated case.

5441. I think you said that voters were carried off; did you mean that literally, or merely to express that the Liberal party gained them as voters?—When I said that the priest carried off the two votes I meant to convey the idea that he succeeded in getting the two votes.

5442. Is there any such thing as bottling practised at Limerick?—Not on the popular side; there is no occasion, but on the Conservative side, amongst the owners and agents of property in the rural districts, it has been a custom for them to bring the voters in over night, that is to say, the night before the polling, and to keep them in houses and stores in the city, and bring them out in batches the following day to vote, and the excuse given for that is, that it is to keep them from the mob.

5443. Are those places ever attacked at night by the mob?—Yes, they have been.

5444. Have you exclusive dealing at Limerick?—No.

5445. That is not known there?—It never came to my knowledge, and I should be very sorry to think that it ever did exist.

5446. In speaking of the ballot as a remedy, has it occurred to you that there might be a practical difficulty with those voters who could neither read nor write?—I have not gone into the difficulties of the ballot at all; I was asked what remedy I could suggest, and I really could suggest none; but if there could be a system of ballot devised which would be perfectly secret it would be an advantage.

5447. From your knowledge of the voters in Limerick and the Irish towns generally, would any large proportion of the voters be unable to read or write?—An excessively small proportion, indeed; the National School system has taken root in Ireland, and people, as a rule, can all write.

5448. And that is gradually extending?—Yes, it is gradually extending; I come across no one now scarcely who cannot write.

5449. Mr. *Fawcett.*] Have you many paid canvassers in Limerick?—No; there is no such thing known as a paid canvasser.

5450. Is there much treating?—Yes; treating of non-electors, but not of electors.

5451. Are there meetings and committee-rooms held in public-houses?—No; no meetings are held at public-houses; at least the candidate does not meet the electors at public-houses.

5452. Nor yet committee-rooms?—No.

5453. Do you think that holding committee-rooms in public-houses leads to treating?—Necessarily, I should say, both electors and non-electors, their meeting in public-houses would lead to treating.

5454. As you say the meetings are not held at public-houses, should you see any disadvantage in forbidding committee-rooms being held in public-houses?—I should say that committee-rooms ought not to be held in public-houses, and they never were in Limerick.

5455. Are they now held in Limerick?—No, not at public-houses; they never have been held in public-houses; the upper part of some respectable house is taken and used as a committee-room.

5456. You find that there is no practical difficulty at Limerick in conducting an election without using public-houses at all?—None in the world.

5457. Mr. *James.*] You say that you have no paid canvassers; are those mobs paid at all?—Yes, the mobs are paid; but I can hardly dignify them by the name of canvassers.

5458. The candidates of course pay the mobs?—They ultimately pay them, but they know nothing about them at the time of the election.

5459. For how many years has this practice prevailed of candidates ultimately paying those mobs?—At every election.

5460. What sort of payment do they get?—About 2 *s.* 6 *d.* a day; what I heard proved upon the last election.

5461. How many would be employed at the rate of 2 *s.* 6 *d.* a day; would it be hundreds?—Yes, hundreds certainly.

5462. Is it thought objectionable in a candidate to employ those persons to intimidate in this way at so much a day?—It is thought very objectionable to employ them, and the result is that he never does employ them.

5463. But he ratifies it afterwards?—Yes, he certainly does pay them afterwards, and he pays it as a debt of honour.

5464. Do you think that if it were made illegal to pay persons in that way, together with the adoption of the ballot as a remedy, that would deter the employment of those mobs?—I believe it is an illegal payment at present, it comes under the head of undue influence.

5465. But those are non-voters?—Yes, I spoke of non-voters; if the hiring of a mob resulted in sufficient intimidation at the election upon the polling day, and obstructing the poll, then the candidate would be held liable for it, if it was done with his sanction and knowledge.

5466. You have told us that there were no mobs on the polling day?—No; but there were the day before the polling day.

5467. Did those mobs threaten people and tell the voters that they must vote, or use any violence towards them?—Yes, they surround the house of a voter, and they called out to him that he must vote for So-and-so, and they generally wind up by breaking his windows.

5468. Is that done in the presence of the candidate?—No, it is not done in the presence of the candidate; it is generally done at night.

5469. Mr. *Villiers.*] I think you said that those mobs were paid; are they voters?—No, they are not voters.

5470. Is it known that they are not?—It is perfectly well known that they are not voters.

5471. Is that inquired into before they are hired?—It is.

5472. Mr. *Whitbread.*] You desire, do you not, to see public nomination done away with?—I would, because I think it would do away, to a great extent, with the necessity of having mobs.

5473. Have you ever considered what form of nomination you would have instead?—I think an address in the papers, and posted generally through the town, and the suburbs of the town, would be sufficient, because it is generally men of mark, and men of note, that come forward as candidates, and people know all those men perfectly well.

5474. You would no longer have a candidate proposed for election by one or more of the

J. Murphy.
7 May 1869.

electors, you would have him address the constituency himself?—Yes.

5475. Up to how late a date before the actual election would you have this formal address to be issued?—Up to the very eve of the election.

5476. And any candidate might propose himself, at any moment, up to the very eve of the election?—Yes.

5477. And what would constitute an election, because you are aware now that the nomination, if there is no contest, is the election, practically?—Yes, I know that.

5478. What would be the form of election under your proposal?—If the sheriff got the nomination of two candidates, he should proceed then to make the same arrangements for a poll as he now makes where two candidates are proposed on the nomination day: I do not express any opinion myself, but I believe that even between the nomination and the polling day it would be perfectly competent for a new candidate to come in, and to be polled for now; I do not presume to express my own opinion, but I believe that is the law, from what I have heard

5479. Mr. *William Henry Smith.*] You have expressed an opinion, have you not, that if the ballot were adopted, all intimidation would cease?—I said that I hoped it would cease, and that I saw no other remedy to suggest.

5480. Is it not know before hand in Limerick, pretty well, how every man intends to vote; do not the committees of the various candidates know from information obtained beforehand how they intend to vote?—No; indeed, there is always a considerable number at the last moment who are undecided.

5481. Are they a large proportion?—Quite enough to turn an election at any time; I know that the last election was won by 74 votes; I was conducting agent on one side, and there were certainly over 74, or, perhaps, over 100 that I did not know how they would vote.

5482. Do you believe that if the ballot existed the way in which men voted would not be known?—I stated in my answer to the question, that I only suggested the ballot if a perfectly secret way could be devised.

5483. But if that secrecy depends entirely upon the voters themselves, do you not think that the voter himself would state to some person how he voted?—I do not know that; I will put a case; supposing he was one of the Liberal party in Limerick, and that he voted for a Conservative; I do not think he would ever tell.

5484. Do you not think it would ever come out?—Upon my word, I do not think he would be likely to tell, because I do not see what would be the object of his telling.

5485. It matters not what the object be, but it generally transpires, without reference to the poll-book, how a man had voted, does it not?—It does, because the voting is open, and he is heard in the booth declaring for whom he votes.

5486. Do you think that their lips would be sealed, because there would be no power of ascertaining how each had voted?—That would depend upon the man himself; if he chose to keep it secret he could do so.

5487. And you are of opinion that he would keep it secret?—I think, as a general rule, he would keep it secret.

5488. Mr. *Gathorne Hardy.*] I understood you to say that the Fenian mob was not a hired mob at the last election?—There were two candidates, Mr. Tate and Mr. Pigott, Mr. Pigott being a mere stalking-horse of that side to catch the second votes, and also to introduce on that side whatever of the known Fenian element the town might possess. I think that the Fenian branch of the mob were not hired; but there were, independently of them, a number of men hired on Mr. Tate's side.

5489. Mr. Tate is a great employer of labour, is he not, and not a landlord, I believe?—A very great employer of labour, indeed.

5490. And he had been three or four times mayor, had he not?—He was three times mayor.

5491. I understand you to say that the priests do take an active part in canvassing?—They do, a very active part.

5492. Did the Roman Catholic bishop at the last election sit in different polling-booths on the very day of the election?—No.

5493. Are you sure that he did not?—I am certain that he did not.

5494. Were you in the polling-booths?—I visited every one of the polling-booths twice or thrice in the day with Mr. Russell, the candidate, and I do not think I saw the bishop at all that day.

5495. Do the parish priests take part in the municipal elections at all?—They do.

5496. Is it not generally the case that the candidates get their approval before they come before the constituency?—They think it very useful to have their approval and co-operation.

5497. *Chairman.*] In your opinion, in the Parliamentary elections in Limerick there is very little freedom of the electors in voting, and but a small number of voters are able to vote as they please?—Yes, that is so in the rural districts or suburbs.

5498. Are they not generally under some kind of influence from the one party or the other?—They are; the influence of landlords and the influence of priests are both set to work upon the people on the one side or the other.

5499. Is it not, generally speaking, like a struggle between landlord and priest as to which shall get the vote?—It is as regards the voters in the rural districts a perfect struggle between the two.

5500. And there is very little independence for the voter?—At present there is very little independence for the voter in the rural districts.

5501. And the best way which you conceive to remedy that is the ballot?—I know of no other remedy than that; because the same scenes would occur again on another election next week if there were one.

5502. You mentioned that the polling-day is generally very quiet, is not that in consequence of the presence of a large military force?—That is one reason for it; but there is another reason, namely, that the people appear to know that there must be no obstruction upon the polling-day, because if there be any obstruction it may invalidate the election of the very persons they are anxious for; they appear to know that, and there is never any obstruction upon the polling day in Limerick.

5503. But there is a sufficient force of military to preserve the peace, is there not?—Yes; sufficient to preserve the peace of the town, of course.

5504. When were the military force brought into the town?—Not till about two days before the elections, because down to that time there was no intimation of a contest; it was only about two days before the nomination-day that the contest

test became known as inevitable, and, therefore, the resident magistrate, who takes charge upon those occasions, was not able to have military in sooner.

5505. Was there rioting in the town after the military arrived?—Yes, there was; it was upon the intervening day that the rioting really took place.

5506. There were soldiers present on the nomination day, but they were not called out?—No; there were no soldiers in the streets upon the nomination day.

5507. And they were not called out on the day of the polling, were they?—They were not called out, because it was considered that the constabulary were strong enough to keep the peace of the town.

5508. Sir *George Grey.*] Were they called out on the polling day?—No.

5509. But they were there?—They were in the town.

5510. Mr. *Villiers.*] The peace of the town was not preserved, was it?—It was not preserved upon the intervening day; between the nomination day and the polling day there was rioting.

5511. But the police and the military were both out?—I did not see the military out; the military were in the barracks, and they were ready to be called out.

5512. And they were called in when the riots were over?—They were ready to be called out; they went away out of the town as soon as the polling was over.

5513. Mr. *Bright.*] You were asked about the priests taking part in the elections, did the clergy of the Established Church take any interest in the last election?—They took an interest, but I did not see them take an active interest, because the present electors of the town are, for the most part, Roman Catholics, that is to say, the great majority are Catholics, and, of course, any active interference with them would have been of no value.

5514. Amongst the supporters of Sir Peter Tate and Mr. Pigott were there a great many Catholics?—There were not a great many Catholics; there were a couple of hundred Catholics, and those couple of hundred were all the Conservatives of the town, and they brought Sir Peter Tate up to very nearly the lowest on the poll on the Liberal side.

5515. Mr. *Cross.*] What was the difference between the lowest Liberal and the highest Conservative?—Seventy-four.

5516. Mr. *Bright.*] You stated that in the rural districts the contest was between the landlord and the priest generally in your city elections?—Yes, in the city elections, between one-third and one-fourth of the constituency are farmers in the rural districts.

5517. Is that less so in the county elections in your neigbourhood?—No; at a contest in the county it is the very same struggle between the two parties.

5518. And between them in that contest, what do the electors think of their political rights; is the time of a general election a pleasant one to them or otherwise?—It is a very unpleasant one to them when they think they ought to vote one way and their landlord presses them upon the other side; I have already expressed my opinion to the Committee, that if the voters were let alone by both sides, they would vote for the Liberal candidates.

5519. At any rate they would vote as they liked?—They would vote as they liked.

5520. Do you think from your own observation that the pressure upon them is greater now, or less than at a former period; or has it varied very much with the political excitement of the times?—In Limerick city and county, and I can speak better for those places, the attempt to influence the tenants on the part of the landlords has decreased very much. There have been so many hopeless contests, that I think they have ceased to try to influence the voters.

5521. Mr. *Edward Egerton.*] You think that priestly influence is much more powerful than the landlords?—It is in this way, that the feelings of the voters (I speak of Catholic voters) would be for voting on the same side that the priest asked them to vote on, and if neither landlord or priest interfered, the voters would vote that way.

5522. Are leases general in that part of the country, or are they tenants from year to year?—On the largest estate in the country, Lord Devon's, there are leases, and that has been the case for the last 20 years.

5523. Mr. *Bright.*] Are they leases that have been granted lately, or old leases of 20 years back; leases for lives?—No, they were granted lately by the present Lord Devon, a great number of them; nearly all the tenants have leases.

5524. For what length of time?—They are for a long time; I think, for 60 years.

5525. *The O'Conor Don.*] Are those agricultural leases?—Yes, they are agricultural leases.

5526. Mr. *Edward Egerton.*] Is there any fine at different periods?—No, fines are scarcely known upon leases, because for the most part they are tenants for life with leasing power, and in all marriage settlements or settlements of land the lease would be void if there was a fine.

5527. Sir *George Grey.*] Was there any contest in the county of Limerick at the last general election?—No.

5528. Was any thought of?—There was one rumoured, but no one that knew the county believed it.

5529. Is it the practice whenever a contested election for the city of Limerick is expected, to send for the troops and have them quartered in the town during the election?—It is the practice.

5530. Mr. *Villiers.*] Did Mr. Pigott put out any address?—Mr. Pigott put forward no address, but there was an address put forward for him by Mr. George Francis Train, and posted upon the walls of Limerick. There was a petition against the last election for the city of Limerick, and one of the grounds of the petition was the hiring of mobs; and upon the side that I was concerned for, that is the sitting Member, we produced this proclamation, as it were, of Mr. Train's, and it was assumed by the judge as affording sufficient grounds for some preparation being made against the people who would be excited by that proclamation.

5531. Was a petition presented, and was an inquiry entered into?—Yes, and the present Members were declared duly elected.

5532. Mr. Pigott was decidedly opposed to Mr. Russell, was he?—Yes, decidedly so.

5533. And decidedly in favour of Mr. Tate?—Yes, they were colleagues.

Mr. *J. Murphy.* 7 May 1869.

5534. But he did not put forward any peculiar views of his own?—No; but the politics of the "Irishman" are as well known in Limerick as anything can possibly be.

5535. He identified himself, did he, with the politics of that paper?—He is the proprietor of the paper.

5536. And Mr. Tate was his colleague?—Yes.

5537. Did they have common committee-rooms?—They had common committee-rooms and common agents of all kinds, conducting agents, and inspectors and poll clerks; the whole machinery was joint.

5538. Did they canvass together?—Mr. Pigott did not canvass Limerick at all, nor Mr. Tate; but their committees and their canvassing party canvassed for the two.

5539. Did they say, "Vote for Pigott and Tate"?—Yes.

5540. *The O'Conor Don.*] When you speak of this contest existing between the priests and the landlords in the rural districts, is it your opinion that those rural voters have no political convictions of their own, or that they have strong political convictions?—They appear to me to be as well versed in politics as it is possible for men to be. They read the penny papers that come into the town, and they have very strong convictions of their own.

5541. And the action which the priests take in the matter is to make them act up to those convictions?—Yes, that is my opinion.

5542. Sir *George Grey.*] Do you believe that the return both for the county of Limerick and for the city of Limerick, at the last general election, was in accordance with the real political opinion of the constituency?—Of the majority, most assuredly.

5543. Mr. *Gathorne Hardy.*] Did Sir Peter Tate issue an address?—No; he did not issue an address.

5544. You mean that addresses were put up for them by some one in Limerick?—They were, by their friends in Limerick.

5545. Neither of them was in the place?—Neither of them was in the place; the great complaint against Mr. Tate was that he did not put forward an address. If he had put forward an address, of course his principles would have been known; the people were not going to vote for an unknown man, a man who would not put forward any principles.

5546. *The O'Conor Don.*] Do you think that if there were no influence on the part of the landlords in those rural districts there would be any necessity for pressure, or that priestly action would interfere at all with those voters?—No; the Catholic voters in the liberties entertain very strong opinions, and they will vote for Liberal candidates of their own mere notion.

5547. Have you ever heard any complaint of a want of polling places in the city of Limerick?—No, there cannot be, because Limerick is divided into eight wards, and there must be a polling place for each ward; and, further, if any candidate wishes it, he can have another polling place for the same ward, but they were not applied for.

5548. Mr. *Raikes.*] One of your Members for the county is Mr. Synan, is he not?—Yes.

5549. He is, I believe, a near relation of the very eminent Roman Catholic clergyman, Dr. Synan, is he not?—He is his brother.

5550. Did Dr. Synan take any interest in the election last time?—There was no contest last time.

5551. I suppose it was very much owing to the great influence which Dr. Synan possessed that Mr. Synan's election was not opposed?—I cannot see that any one clergyman could have anything approaching to that amount of influence.

5552. But he is very much respected, is he not?—He is respected, of course.

Mr. Richard Raleigh, called in; and Examined.

Mr. *R. Raleigh.*

5553. *The O'Conor Don.*] I believe you are a Town Councillor of the Corporation of Limerick?—No, I am not.

5554. Did you not at one time belong to the corporation?—No.

5555. Have you taken considerable interest in the municipal elections?—Yes.

5556. Do you remember the municipal election of 1865?—Yes.

5557. Have you heard the evidence of Mr. Murphy with respect to the mob intimidation, with the rioting that was carried on at that election?—Yes.

5558. Do you agree with that evidence?—Yes.

5559. Are you aware that bribery was also carried on at that election?—I have heard that bribery was carried on to a great extent.

5560. Have you known that persons, who actually canvassed with one candidate on one day, voted the other way the next day?—I have known that to be the case.

5561. Do you think that that was attributable to the influence of bribery being brought to bear upon them?—No doubt about it.

5562. Were there many voters paid upon that occasion for remaining away and not voting?—In one ward it is generally known (I am not stating anything from my own knowledge, I am merely stating what parties generally believe to be the case) that there were somewhere about 20 voters who were paid for voting or remaining away.

5563. Upon the day of the election, at that municipal election, was not the city in the hands of a mob?—Yes.

5564. And a mob that was infuriated by drink?—Yes.

5565. There was a great deal of damage done, was there not, during that election in the way of injury to houses and windows?—Yes; a great number of houses were injured and windows broken.

5566. I believe your own house was injured?—It was.

5567. In Ireland, after such transactions as these, there is the power of getting compensation from the presentment sessions of the grand jury for the damage done, is there not;—Yes.

5568. And was there a very large amount levied for damage after that election?—Yes.

5569. You heard Mr. Murphy's evidence with respect to the Parliamentary elections in the city of

of Limerick; do you agree, in a general way, with what he stated?—I do.

5570. Have you anything particular to add to the statements which he made with respect to those Parliamentary elections?—Nothing more than that I think it is the feeling of men in trade like myself that it would be well to put an end to mobs of every kind on both parties.

5571. Have you ever heard complaints made by voters of being coerced by their landlords to vote contrary to their convictions?—I have.

5572. And have they stated publicly that they have voted for fear of being turned out if they did not vote in a particular way?—Yes.

5573. Are you aware that those mobs which have been spoken of are hired at so much a day?—I have heard so.

5574. Have you anything more to add to Mr. Murphy's evidence?—Nothing more that I am aware of.

5575. Sir *George Grey.*] Do you agree with Mr. Murphy that that municipal election of 1865 was an exceptional one, and that, with that exception, the municipal elections have been all quiet and peaceable?—I do.

5576. What was the cause of that election being an exception to the ordinary character of municipal elections in Limerick?—There was one gentleman, I believe, a merchant in Limerick, and a member of the council (Mr. John M'Donnell, J.P.), who canvassed the council for mayor, and, I believe, had a majority of the votes of the council in his favour. However, there was some private or personal feeling against him, and a certain party prevailed upon Sir Peter Tate, then Mr. Tate, to come forward as one of the candidates for the city.

5577. Therefore, the peculiar circumstances of this election arose, not out of any religious or political feeling, but out of personal feeling?—By no means out of political feeling; the city was in a state of great commotion for two or three days.

5578. *Chairman.*] You say that you desire to get rid of the mobs on the one side and the other at the elections; do you think that the adoption of voting by ballot would have that effect?—I think it would; I know of no more effectual means of preventing the hiring of mobs than voting by ballot.

5579. Why do you think that the adoption of the ballot would get rid of the employment of mobs?—Because I think it would be then useless to hire mobs as the voter could exercise the franchise without the knowledge of any party.

5580. What in your opinion is the precise object with which mobs are employed?—To intimidate the voters.

5581. And how do they do that?—They go into the houses and canvass with the candidates, in the first instance not being violent, but if the poor voter refuses his vote they come afterwards and smash his windows at night.

5582. And they extort a promise from him, do they?—Yes, they extort a promise from him; they do this; they put the other voters in a state of terror in that locality.

5583. Do you think that the priests exercise very great influence?—I know that they exercise very great influence.

5584. Do you think that they would continue to exercise the same influence under the ballot?—I do not think they would. I know that their influence at all times would be the same; and their influence amounts only to this: that they come between the landlord and the voter. The principles of the voter and of the clergyman generally agree. I am speaking of Limerick and the liberties of Limerick. They generally agree in principle and in politics.

5585. Sir *George Grey.*] As regards the town of Limerick; when you speak of the priest coming between the landlord and the voter, you refer to what are called the liberties?—Yes; I am speaking of the liberties.

5586. Do the priests exercise much influence over the strictly urban voters?—I think that the electors in the city are independent, certainly the majority of them are independent of the priest and the landlord both.

5587. Mr. *Villiers.*] You are alluding to tradesmen, I suppose?—Yes.

5588. Are they independent of their customers?—Certainly not; at least some of them are not.

5589. There is an active canvass by the customers, is there not, in that city as in all others?—There is, as elsewhere.

5590. Do you know any instance in which a man has refused to be influenced by his customers?—I do.

5591. And where he lost their custom afterwards?—No.

5592. You had the misfortune to have your premises attacked, had you not?—Yes, they were attacked.

5593. Was that connected with the voting?—When I say they were attacked, there was merely one plate of glass broken; I know that the mob that was opposed to the side I was on were against attacking my place.

5594. One mob is with the voter, and another mob is against him; and one mob attacked your premises; was it with a view to influence your vote, or because you did not vote as they wished?—To influence my vote.

5595. That one pane of glass being broken, I presume, did not affect your vote?—No, certainly not.

5596. Mr. *Edward Egerton.*] Are there no complaints made to the magistrates when a person's house is taken forcible possession of in that way?—On that occasion in 1865 there were.

5597. Do you know out of what fund reparation is made?—Out of the municipal fund.

5598. Out of the borough rate, in fact?—Yes, out of the borough rate; I believe the amount of glass broken in that year came to 62 *l.*

5599. What was the total amount of compensation that was paid for this damage that was done in 1865?—I cannot tell that.

5600. Do you take an active part in the elections in Limerick?—I do as a citizen and elector.

5601. What is your business?—I am a merchant and a tobacco manufacturer.

5602. Mr. *Gathorne Hardy.*] You say that the priests exercise considerable influence, you mean in canvassing, or do they use it in their chapels at all?—I am not aware from my own knowledge that they use it in their chapels.

5603. Has that never come to your knowledge?—No, not to my own knowledge.

5604. You are a Roman Catholic, are you not?—Yes, I am.

5605. Did you take an active part in the election last autumn?—Yes.

5606. On the part of the sitting Members?—Yes, on the part of the sitting Members.

Mr. *R. Raleigh.* 7 May 1869.

5607. Did the Roman Catholic clergy take an active part in that election?—Yes.

5608. Sir Peter Tate was a very popular person in Limerick, was he not?—At one time he was.

5609. He was three times mayor, I think?—Yes, he was three times mayor.

5610. Did he ever himself come forward as a candidate, or was he put forward?—He wrote a letter retiring from the representation of Limerick; he was asked by some of his friends to stand, and I saw the letter in which he declined to start for the representation of the city.

5611. Then he was put forward?—But I must tell you that he did something similar to that in 1865 for the mayoralty; a great majority of the citizens have no doubt that he played the same game at the last election as he did in 1865.

5612. In 1865, was it the mayoralty that was in question?—In 1865 he was put forward as mayor.

5613. Do you mean that he first declined the mayoralty, and then accepted it?—He first declined the mayoralty when he would have got it; there is no doubt about that, without opposition; but he was put forward by some of his friends, and it was then that the hiring of the mobs commenced, for the first time, I think, since the Municipal Act was put in force in Limerick in 1841.

5614. Do you know anything about the hiring of mobs at the last Parliamentary election in 1868?—Yes,

5615. There were two mobs, were there not?—Yes, I have seen men hired in the street by the Tate and Pigott parties.

5616. Will you just state to the Committee how that was done?—Some men who were leaders came forward and took the labouring men, and put down their names, and they were paid upon an understanding, so much a day.

5617. Mr. *Villiers.*] It was an agreement with the man that he was to be one of the mob?—His name was put down, and it was understood that he was to be paid for forming one of the mob.

5618. Mr. *Gathorne Hardy.*] Did you see in the mob afterwards any of those people?—I did not take notice of any particular man in the mob; but the thing is publicly known in the city of Limerick as plain as the daylight.

5619. Then mobs have generally been hired on both sides, have they?—I was not aware that there was a mob hired on the popular side.

5620. I thought that you agreed with Mr. Murphy on that subject, and I understood Mr. Murphy to say that there was?—I am not aware of the fact; I know that there was a very powerful mob for the popular side.

5621. There are a number of people it appears at Limerick who will be hired on one side or the other if they are paid for it, and will fight either on one side or the other?—Yes.

5622. Are those labouring men, or what kind of men are they?—I must say that the working classes in general in Limerick are as well-conducted men as they are in any country in the world.

5623. That is not the question I am asking you; there are a certain number of ill-conducted men, and I want to know of what class those men are that are thus hired?—They are generally idlers and drunkards.

5624. Do they get both money and drink?—Yes; they get both money and drink.

6625. Have you ever seen the Roman Catholic clergy interfere to prevent the formation of those mobs?—I have.

5626. On the last occasion did they do so?—Yes; on the last occasion they did so.

5627. What steps did they take to prevent the formation of the mobs?—I heard one gentleman address his congregation on the Sunday previous to the election, and as far as he could, he impressed on them the necessity of obeying the laws.

5628. Were there many of that class that are open to those temptations of money and drink, and to form part of a mob, present in the chapel?—I cannot tell you that.

5629. Do you think it likely?—I fear not.

5630. What I meant was this, have you ever seen any interference with the mobs themselves on the part of the clergy to quiet them or to get them to disperse?—No; I do not recollect any instance.

5631. Have there not been any public denunciations on the part of the police or the clergy against taking part in such mobs?—There have.

5632. When would those have been?—Before and after the election, speaking of the last election particularly.

5633. Was it done by placard, or in what way?—Not by placard, but by exhortation.

5634. In what places where the exhortations?—I have heard one in a chapel I was in; St. Michael's, Limerick.

5635. Have you ever seen any interference on the part of the clergy with those mobs when they were in action in the streets?—No.

5636. I presume that the clergymen of the Roman Catholic Church would be respected by those mobs?—I do not think that they would have much influence with a drunken and infuriated mob.

5637. Mr. *Villiers.*] Did you ever see any interference by the magistrates for the same purpose, urging the mobs not to meet and not to break the law?—I have seen some, but not at the last election.

5638. Have the respectable people in Limerick ever denounced that system of organised mobs at times of election?—Undoubtedly they have.

5639. But they have never taken any steps to prevent it?—In 1865, I think that a number of citizens waited upon the mayor, calling upon him for protection.

5640. Mr. *Gathorne Hardy.*] Was not the military brought out to protect the peaceable people from the mobs on both sides?—Yes.

5641. And that does not always succeed, I am afraid?—Not always.

5642. Was there any wrecking of houses at the last election?—I think not.

5643. Was there any destruction of property in Limerick on account of the riots and the mob at the last election in 1868?—I have not seen any, but I have heard of some.

5644. What sort of destruction of property?—Windows broken.

5645. Were the monuments of the town injured?—Yes, the glass of Sir Peter Tate's clock was broken.

5646. Mr. *Whitbread.*] Was there much injury done to persons by the mob at the last election?—During the election there was a man killed, I believe; but whether it was through the election riot or not I cannot tell.

5647. *The O'Conor Don.*] Was he killed by the

the mob?—He was killed in the street. I do not know whether it was by the mob or not.

5648. Mr. *Whitbread.*] Were there any cases of violence which happened during that election brought to trial afterwards?—There were cases of assault brought to trial.

5649. Do the mobs ever visit the electors' houses, after they have voted, to wreck them?—I never knew of any such case.

5650. The violence is used in order to obtain the promise?—Yes.

5651. Not on account of the vote having been given?—I think so.

5652. Do you think that under the system of voting by ballot, the same system of intimidation would not be used in order to obtain a promise?—I think that the same system would not be used.

5653. But as the violence is now used in order to obtain the promise, and is not used after the vote is recorded in any way, do you still adhere to the opinion that voting by ballot would put an end to it?—That appears to me to be the most effectual means. I should be very happy to have the mobs done away with, and I believe that that is the feeling with every merchant and trader and industrious person in the city of Limerick.

Mr. *R. Raleigh.* 7 May 1869.

5654. *The O'Conor Don.*] In the elections in Limerick the popular candidate has generally been successful, has he not?—Yes, always.

5655. Do you think it likely that if the popular candidates were defeated, the mob would not wreak their vengence on all persons whom they had threatened before, and who voted contrary to their threats?—I do not think they would.

5656. At all events at present the popular candidates being successful, there was no object in those mobs going about after the election and doing injury to persons who voted against them?—No.

5657. As soon as the election was gained the point for which the mob was organised was gained?—Yes; there was no mob during the polling, and that has been the case as long as I remember in Limerick; the polling day is a very quiet day.

Mr. Herbert Thomas, called in; and Examined.

5658. *Chairman.*] You live at Bristol, do you not?—I do.

5659. Have you had any experience of the late Parliamentary elections?—Yes.

5660. How in your opinion have they been conducted?—They have been conducted on the one side on strictly pure and legal principles.

5661. You mean that that has been the case on your side?—Yes, on the side with which I sympathise. With regard to the other side, in April 1868 there was an election for one Member to fill a vacancy, and in that instance, knowing that large bodies of men were being engaged to disturb the proceedings during the canvass and at the election, a communication was made from the head of the Liberal party to one of the heads of the Conservative party intimating that we should conduct our election on the principles which I have named, and asking that they would do the same thing; they would not consent to do so, and they were then told, that if there were any illegalities they would be noticed.

5662. How was that communication made from your party to the other?—Orally.

5663. Do you know the person on the other side to whom the communication was made?—I believe I do.

5664. Do you know by whom it was made?—I do.

5665. Were the overtures on your part declined?—They were declined.

5666. Was the election then conducted purely on your side?—Entirely so.

5667. Were there no roughs hired?—None.

5668. Have you seen some evidence which was given here with regard to the Bristol election?—I have seen a report in the newspapers of some evidence which was given here on Friday last by a gentleman from Bristol, with regard to the elections in 1868, and in my opinion it is quite erroneous in many respects.

5669. In what particulars is it erroneous?—It is stated in the report which I have seen, that this Major Bush should say, that if at 9 o'clock on the morning of the day of the election our party were not 750 a head, a mob would be let loose; now that is entirely untrue; we had hired no mob, we had no mob at our command; we had a sufficient number of promises many days before the election to make it on our part, even supposing we had desired to hire a mob, most natural to desire that the election day should be quite peaceable, because we knew that if we polled within a very large number of our promises we should be secure of the return of our candidate.

Mr. *H. Thomas.*

5670. In point of fact, was there a mob or not on the Liberal side?—There was no mob. Major Bush was speaking in those answers of the last election.

5671. My question had reference to the election in April?—Your Lordship then asked me in what respect Major Bush was erroneous. His evidence went particularly to the election of November, and this which I am now speaking of relates to November.

5672. Before we leave the April election, I understand you to say that it was conducted with perfect purity?—Yes, entirely so on the part of the Liberals, but not so on the other side.

5673. Now we come to the election of November; will you proceed with your statement?—Your Lordship has asked me, with regard to Major Bush's evidence, respecting the election of November. I have stated, with regard to the promises that we had, that it was our interest to have peace on the polling-day even supposing we had been disposed, which was not at all the case, to have hired a mob. Major Bush next stated that the mob had prevented voters from polling; that also is erroneous. Hired roughs were planted at the principal booths by the Conservative party early on the day of the election. There had been a representation made to the mayor by artizans, accompanied by gentlemen of position, asking him to assure to them that he would take measures to protect the peace of the city on the election day, because it was within their knowledge that so great a number of roughs were being hired during the canvass, and more especially upon the nomination and the election day. Not getting such an assurance as they deemed conclusive, they, the artizans, banded themselves together in large bodies and went to the principal booths,

Mr. *H. Thomas.* 7 May 1869.

and they were in sufficiently overpowering numbers to prevent any interference with the polling on the part of the roughs, and they did not interfere themselves. Towards the middle of the day a communication was sent from the Conservative committee to the sheriff, in consequence of some rioting that there was in certain parts of the city, asking him to stop the polling. Major Bush in his evidence mentions the fact with regard to the sheriff sending round to the polling booths. The sheriff did so by his deputy; he went from booth to booth, and his report was that there was nothing to prevent the polling at the booths. The order of the sheriff, therefore was, that there was no occasion to stop the polling, and that if anyone was prevented from polling, it was simply by his own unnecessary fears. I myself know also from information from various people, that there was no interference with the polling on the day of the election. Major Bush made another statement with regard to a prominent Liberal; that he invited the people to hold the booths on the day of the election, and that Mr. Morley was present at this meeting. Now it is a fact that on one evening at a ward meeting, Mr. Morley was to be present, but before he came to this meeting, the gentleman whom Major Bush referred to had spoken; he is a very respectable man, and he is a very peaceable man, and he said words pretty much to this effect; that he recommended the voters to poll early, and to hold the booths until they had all polled; by which I am sure he only meant that the voters should be early at the polling booths, and in such numbers that the friends of the Liberal candidates should go on polling and keep up the numbers. Nothing more than that was intended. Major Bush also made a statement with regard to tea meetings as a means of treating, and therefore inducing voters to vote for the Liberal candidates. That also is erroneous. There were three large tea meetings that were got up entirely by the working men class; they got them up, and they paid for the expenses of the teas entirely amongst themselves.

5674. Did you hear nothing of those mobs which were called flying columns?—Yes, I did hear a good deal of them.

5675. What were they?—Consequent upon the brutal conduct of many of the hired roughs, and consequent upon the bitter disappointment of the populace in the city at the election of April 1868 having been carried by bribery and treating and personation, and other influences of that kind, there was a very great spirit roused on the part of the populace; and on the morning of the election, a mob, which may be called a rabble, not composed of artizans, seemed to have been excited to break some windows, and having broken some windows at a committee-room they seemed to have gone on doing so, parading some of the principal streets of the city, and breaking windows where they saw blue colours in them. That mob, I should say decidedly, was not organised by any one; it certainly was not organised by, nor had the Liberal party anything to do with it, and very much do they deprecate and regret that anything of the kind should have occurred in the city. I may say that if it had been organised in any way, the probability is that it would have attacked the houses or property of prominent opponents, which they did not do; if a house having blue colours was not in the line of march, they did not appear to know that they might be even within a few yards, and such houses were not attacked.

5676. Do you know anything of a mob which was led by an old pensioner, which was referred to in that portion of Major Bush's evidence?—Yes; I am not certain whether there were one or two mobs of that character in the city; the one that I have just described would be either the one or one of exactly the same character. No one of the Liberal party had anything to do with it.

5677. Do you know whether any brutal assaults were committed by either of those mobs?—No brutal assaults came under my notice with regard to the mob.

5678. Can you say positively that they were not hired by the Liberal party?—Most explicitly within my own knowledge.

5679. But you believe that roughs were hired upon the other side?—I know it.

5680. At the last election, or at all elections?—At the last two elections they were hired in very large numbers. I believe there were as many as 1,200, or more, hired in the April election, and on that occasion, in addition to the men who were usually hired by the Conservatives as roughs, there happened to be some large public works going on close by the city, and the men upon those works had three days holiday given them for the purpose of engaging themselves to the Conservative party to go and make a disturbance at the nomination, in addition to their own roughs, and for use by them on the day of the election and the declaration.

5681. Were the public-houses also thrown open by the other side?—In the April election they were in very large numbers; I should say very nearly 200 of them must have been open. On the last election I cannot speak to their having been thrown open.

5682. Have public-houses been used much on both sides at the last election for committee-rooms for the purposes of treating?—They have not been used for treating by the Liberal party on either occasion; not a single house has been thrown open; some few houses have been used by them as committee-rooms, where they could not obtain a room elsewhere, though they desired to obtain rooms in other houses free from public-houses.

5683. Has bribery prevailed to any great extent?—In the April election, to a very large extent.

5684. There was a petition after the April election, I believe?—There was.

5685. Was it easy to procure sufficient evidence of acts of bribery?—Yes, it was not very difficult, and we had a very great number more cases brought to our knowledge than we could make use of before the Committee.

5686. Had you evidence sufficient, or did you have a difficulty in getting satisfactory evidence to support the other cases?—There was no difficulty at all in getting abundance of evidence of bribery; there was some difficulty in getting evidence which established agency, but the bribery was so notorious and so general that there was no difficulty in getting to a knowledge of bribery in a number of cases.

5687. Then, although you contradict a great part of Major Bush's evidence, in your opinion the practices which he described have been frequent, but they have been on the Conservative instead of on the Liberal side?—That has been the case.

5688. You think that in the Bristol elections there

there have been malpractices, which ought to be put a stop to?—Decidedly; the demoralisation of the people of the city, after the April election, was something sad to witness. In many instances within my knowledge it was such for days afterwards that it had undone a great deal of the benevolent efforts of a large number of individuals and societies.

5689. Do you think there is a desire on the part of the respectable inhabitants of both parties that those practices should be put a stop to?—By the desire of the Liberal party most certainly, and by a large proportion of the artizan class. I happen to know myself that they were disgusted by having such men as accompanied the Conservative candidate brought to meetings to which the artizans were invited; and on one occasion, in the neighbourhood of my own manufactory, at a large works, where a very large number of artizans are employed, the Conservative candidate had made an appointment to meet them outside the gates of their factory, and to address them. He came attended by his bodyguard of roughs, and when the men saw those people with him they would not hear him, but they made such a noise when he or his friends attempted to speak, that in a few minutes he was obliged to leave; they would have listened to him respectfully, whether they sympathised with him or not, if he had not been attended by such characters. In another instance within my own knowledge the Conservative candidate came to another factory, and asked admission to address the men, and he was told, "You may come in, sir, but I cannot allow those people who are with you to enter my factory." Therefore a large proportion of the working men would be glad to see the hiring of roughs put down in some way; and besides that they suffer very much often from it; if they attend the meetings of the Conservatives, and if they express any dissent, such as saying "No, no," or if allusions are made to statesmen or politics, and they do not agree with them, and express it, they are set upon at once by those roughs, and pushed violently out of the room, and in some cases very brutally treated in being beaten as well. Then, at the nominations those people attending in large numbers, and being infuriated with drink as well, entirely disturb the proceedings of the Liberal party, who do not hire such men, and they give a hearing only to those people for whose side they are hired.

5690. Sir *Michael Hicks Beach.*] Do you take an active part in political matters in Bristol?—I do.

5691. Do you hold any office in connection with the Liberal party?—I do not, except voluntary offices.

5692. *Chairman.*] Are you a member of the committee?—I am a member of the central committee, and I also was chairman at the last two elections of the committee for the Liberal candidates of the ward in which I reside.

5693. Sir *Michael Hicks Beach.*] Were you present at the time which you have just mentioned to the Committee when the Conservative candidate came to your factory?—He did not come to my factory; he came to a factory near mine.

5694. They were not your workmen who refused to listen to him?—No, they were not.

5695. Do you remember the election when Sir Morton Peto was returned?—I do.

5696. Did you take any active part in it?—I did; I was chairman then also of the committee of the ward in which I reside.

Mr. *H. Thomas.*

7 May 1869.

5697. Was there no bribery at that election?—None.

5698. Do you know what it cost Sir Morton Peto?—£.5,013, I think, were the figures for the election of the two candidates.

5699. Have you any reason to believe, or do you believe, that that was the real amount?—I have no knowledge of his having made any other payments.

5700. Is it your opinion that that was the real sum spent?—I should suppose that there was something more spent.

5701. Did you ever hear any sum stated as the probable sum that was spent?—Yes, I did.

5702. How much was it?—£.13,000; and I am not sure whether I have not heard even a more fabulous sum than that.

5703. Do you attach any belief to those reports?—None at all.

5704. I should like to get at what your opinion is of the cost of that election?—I have no means of knowing.

5705. Would you place it somewhere between 5,000 *l.* and 13,000 *l.*, perhaps?—If it cost a penny more, it must have been somewhere between the two. I do not wish to conceal any matter that is within my own knowledge, but the only matter that I know is, that at Sir Morton Peto's election it was found, after the election, that there had been a certain amount of breakfasting without the knowledge and without the sanction, most explicitly and decidedly, of the committees, either central or local; and it came to their knowledge from bills being brought in for those expenses. The central committee would not sanction the payment of them, and they entirely refused to do so, and they knew nothing more of them; I do not know who paid them.

5706. Were they paid?—I cannot say; we knew nothing more of them.

5707. It was considered that that breakfasting was illegal, I suppose; and, therefore, the central committee declined to pay them?—It was not sanctioned, and it was not desired by the central committee, and that was the reason why they would have nothing to do with the matter.

5708. I understand you to say that at the last election the central committee declined to pay for the tea parties as well as the breakfasts?—The central committee were not asked to do so, and what I said was, that the tea parties had been got up by working men, and that they had been paid for by working men.

5709. The central committee, I suppose, were never applied to by them for payment?—They were not.

5710. You have contradicted the evidence given by Major Bush about the intimidation at the last election; perhaps I may read to you the answer which Major Bush gave with reference to that intimidation at the last election, in November 1868. The question was, "In what way was that system organised"? and the answer was, "It was done by the collecting together of mobs, who, I should think, almost without exception, were non-voters. I believe many of them were strangers to the place, and I believe that, if an inquiry had taken place, it could have been found out, perhaps, that those parties were paid by persons coming from a distance. I am

Mr. *H. Thomas.* 7 May 1869.

not in possession of their names, but I believe two parties from London (as the story is quite current in Bristol), who were at one time, if not at present, members of the Reform League, paid those parties a day or two after the election; that, I believe, can be proved by the Bristol police;" that was Major Bush's statement; you have said, I think, that you know of no such payment having been made?—I know that the central committee neither authorised nor made at any time, before or after the election, any payment for any people who were concerned in the mobs.

5711. But you see that Major Bush has rather stated that the payment was made, as it were, *sub rosâ*, without the direct knowledge of the central committee?—To my knowledge, this is what happened with regard to that matter. I cannot say which day it was; whether it was the day after the election or not, it was close upon the election, and this I myself did not hear of until sometime afterwards, but a request was made for payment for a certain number of people.

5712. What did those people demand payment for?—They requested payment for what they called services, I believe, on the election day; I infer that; I do not know of course, it was not told me what it was; but what I heard was, that the request was made for payment for certain people who were the people that Major Bush referred to; and I was informed on thoroughly reliable and good authority, that the reply to that request was, "We know nothing of those people; if any one did promise them payment, let those who promised them pay them; let those who may have had anything to do with them, find the money for them." A request came that the people were urgent and pressing for payment, and that probably the house would be destroyed if the payment was not made, and that was the answer that was given; and there was not a penny given for the purpose; nor had the central committee, nor any other committee, nor any other person that I know of, anything to do with the engagement of such people.

5713. When was that demand made by those people?—I have told you that I considered it was the day after the election, but I cannot tell you positively what day it was; it did not come to my knowledge for some time after.

5714. Who were those people who made the demand; where did they come from?—I am told that this payment was made at a certain public-house in the parish of St. James's; I presume, therefore, that they came from there, but I cannot tell.

5715. Then you have heard that the payment was made?—I heard a rumour, which Major Bush also heard, but I cannot myself say that they were paid.

5716. Do you remember what the name of the public-house was?—I think it was the "Coach and Horses."

5717. In a place called Broadmead?—No; I think it was in the Horsefair. It is not exactly in my knowledge where it was; I was not concerned in it.

5718. You do not know where those people came from who received payment in that house?—No, I know nothing of them.

5719. Did you see many people who did not belong to Bristol in the city on the day of the election?—I cannot say, for Bristol is a large place, and there are a great many Bristol people whom I do not know.

5720. Supposing men came in from the coal mines, you would know a collier pretty well by his dress and appearance?—Yes, but I did not see any of that description.

5721. Did you hear of any colliers being in Bristol that day?—No, I did not; I heard it said beforehand that it was probable that some colliers might come, but I did not hear of their being there, and I did not see them.

5722. What are the politics of the coal proprietors who are employers of those colliers that you heard might come?—They were Liberals; but whether they did come or not I cannot say, and if they came they came as volunteers.

5723. You stated that the sheriff sent the deputy sheriff round to see if there was any interference with the voter; what time was that?—From the information which I had it was somewhere about midday.

5724. Was there no rioting or intimidation, to your knowledge, after that time?—The chief rioting after that time was on the part of the Conservative roughs in Bedminster and in Redcliff.

5725. Was there no intimidation on the part of the Liberals after the time that the sheriff went round?—There was no intimidation to voters on the part of even those who called themselves Liberals to my knowledge at any time, not even from those who were called the flying column and the red roughs. I saw them pass the booths from my committee; they went at a sort of half-trot past the place, and they just stopped before the booths and made a cheer and passed on, and I did not hear of their doing anything else, unless they were opposing the other roughs, which they were not at my booth; with regard to those people who were called red roughs or the flying column, I saw many of them passing my booth, but they did not intimidate or annoy anyone as they passed, they merely stopped for an instant at the booths and gave a cheer and ran on.

5726. Which party did they cheer for?—I was not within hearing of the words, but I have no doubt they cheered for Berkeley and Morley.

5727. In fact they were the Liberal flying column?—I presume that such must have been so from the colours they wore, but they were not organised, and they were not paid.

5728. Do not you think that those men were the men that were paid at the "Coach and Horses"?—No, I do not; because this lot were chiefly youths and boys, just of all sizes.

5729. Had they any distinguishing mark, any ticket which would give a reason why they were called red roughs?—I cannot say, I dare say they had cards about their persons, as many of them as could get them.

5730. Do you know the chairman of the Conservative Operative Association, Mr. Kearsey?—I do not know him except by sight.

5731. Do you know whether he voted at the last election?—I believe not.

5732. Yet he has taken an active part in politics in Bristol?—Yes, extremely so.

5733. What was the reason of that man not voting?—I suppose he must have been too timid, but this is not a matter within my own knowledge; it is only a matter of hearsay. If you wish to hear the account which I myself have had of it, I will give it you; I heard it from a Conservative gentleman, who I believe was working in his ward.

5734. You

5734. You say that he was too timid; what could he have been afraid of?—The gentleman who first of all informed me of it, said that he (Mr. Kearsey) went to the booths, and there was no pretence for him to be afraid of staying there to vote, but he had got the notion that people would have his blood, and he came back trembling into the committee-room, saying that he could not go out and vote, and I believe he (the gentleman) told me that he went away from the committee-room, and actually went to bed. I bought a newspaper this morning, in which a gentleman, who signs with initials only, but who I believe from the initials to be one of the Liberal committee in the same ward, writes a letter with regard to Major Bush's evidence, in which he says that he and a member of his committee, or members of his committee, actually went to the man's house upon hearing his fears as to voting, and offered to conduct him to the booth, but he would not go.

5735. Still he was afraid of going, I understand you to say?—He was afraid, but he had no reason to be afraid.

5736. That surely was a matter for him to judge of, was it not?—Yes, he was a timid man.

5737. Therefore a timid person might have been prevented from voting at the Bristol election?—It seems that this man was so exceedingly timid as to have been prevented from voting; but he was so without any reason, except his own fears.

5738. Did you hear of any other cases of people who were so timid besides that man?—Not one single one.

5739. What were the expenses of the two Liberal candidates at the last election at Bristol, as returned to the returning officer?—I have not got them with me; I forget whether they were about 4,000 *l.* or 5,000 *l.*; I cannot quite remember.

5740. I suppose that those were the expenses which were agreed to, and paid by the central committee?—Yes; all the expenses of the various committees were sent in to the central committee and paid by them, and everything that they could pay was put into the expenses as truthfully and as nearly as they could get them.

5741. Do you believe that that included everything that was paid at that election?—It is always difficult to get in every particular bill; but, as far as possible, every bill was put in as truthfully into the account as it would be between two merchants.

5742. Did that include the money which was paid at the "Coach and Horses"?—That money was not paid by the party; I know nothing of that money.

5743. Whom do you think the money was paid by?—That money was not included in the bill, if it was paid.

5744. Whom do you think that money was paid by?—I cannot tell you; we had nothing to do with it; the party greatly deprecated any such mobs being in any way even supposed to be connected with our interests; we do not want them at all.

5745. Did you hear what amount was paid at the "Coach and Horses"?—I cannot say; it is a matter which I am indifferent about.

5746. Did you hear what amount was paid?—No.

5747. Mr. *Leatham.*] You said that the sheriff investigated the truth of the statement of the polling being interfered with, and decided that it was not the case; can you tell me whether the sheriff was a Conservative or a Liberal?—A Conservative.

5748. Mr. *Brand.*] I understood you to say that public-houses were thrown open at the election in April; what do you mean by thrown open?—That which I knew was that we found that there were very nearly as many as 200 public-houses at which treating was practised during the election of April 1868, breakfast or beer being given.

5749. How long did this last?—The canvass was for, I think, about three weeks, but I cannot tell how long the beer may have been given at the houses before the election.

5750. After the election in November last, were there not some prosecutions?—Yes, a large number.

5751. How many?—There were several police charges on the day after the election, which, from the absence of professional men being engaged for them, did not appear to have a party complexion. Besides these, there were 17 summary convictions before the magistrates; two of them were Liberals, and 15 were Conservatives; and at the sessions the Liberal party obtained seven convictions; the Conservatives none.

5752. Mr. *Bright.*] From your account, the freedom and tranquility of the elections were very much interfered with, because there were crowds of roughs, whether the mobs were organised or not organised, on both sides?—The freedom of the voters was not interfered with, because the people took very good care of themselves, and would not permit it.

5753. The town was in a state of considerable tumult, was not it?—Yes, in November it was; in April it was not, and the Conservatives then made a great boast of it, that having a great number of roughs in April all was quiet; it was quiet because we did not have the same element, and the thing went in their favour in consequence of the bribery, and the treating, and the impersonation to a very great amount, which then took place.

5754. In your opinion, is there any belief amongst (I will take your own party) the Liberal party, that Parliament could apply any remedy to this state of things?—Yes, decidedly.

5755. What is the remedy which is generally looked to by your own party?—Our town council have adopted a memorial for doing away with the public nomination.

5756. Was that agreed to by a considerable majority or unanimously?—I think it was either by a large majority, or unanimously.

5757. Is the council composed of politicians of both parties?—Yes; there are about 39 Conservatives and 25 Liberals.

5758. And notwithstanding that majority of the Conservatives in the council, they passed a resolution petitioning Parliament to abolish nominations?—Yes, I believe so.

5759. Is there any other remedy that is generally suggested?—Vote by ballot is what the friends whom I represent have very earnestly desired as one means for securing, not only a peaceable election, but for securing the power of each man giving his vote according to his convictions.

5760. Do you think that in Bristol, speaking of the constituency as individuals, there are many individuals who suffer from unfair importunity, and pressure, and some of them even from worse

Mr. *H. Thomas.*

7 May 1869.

proceedings, at an election; for instance, workmen from employers, and shopkeepers from customers?—I am not prepared to speak as to direct coercion to any large extent on the part of large employers of labour in our city; but I observe that in a large number of instances men who are employed vote very much according to the opinions of their employers, and I have observed within my own knowledge, and also have heard from various others of my friends, that a large number of tradesmen either vote contrary to their convictions, or do not vote at all, or vote most unwillingly, from the fear of the results to their business.

5761. Your answers have had reference to the views of the Liberal party; but seeing what has taken place at Bristol in successive elections, have you any reason to think that amongst the Conservative party there is a disposition to believe that the ballot would be very useful?—Quite the contrary, I think. I have not heard, amongst my friends who hold Conservative opinions, that they desire to have the ballot.

5762. Sir *George Grey.*] Referring to the class of which you spoke just now, the tradesmen who either abstain from voting or vote very unwillingly, from the fear of losing their customers, are those men generally men of pronounced and well-known political opinions on the one side or the other?—They do not allow themselves to be very pronounced for that very reason.

5763. They do not express any political opinion or take a part in the political contests of the city?—They express their sympathies as being with So-and-so, but they very earnestly endeavour to abstain from giving a voice to them.

5764. *Chairman.*] Is not that very often merely a civil excuse which is made to the canvasser?—I think myself that they fear to vote from the influence upon their business.

5765. Sir *George Grey.*] Does that operate upon persons of opposing political opinions; are Conservatives as well as Liberals afraid to vote in accordance with their opinions; does the fear of loss of custom operate equally?—No, it does not; because Conservatives, amongst the buyers, are by far the most numerous; and the chief customers of tradesmen are that class of people; in the lower classes they do not exercise that influence.

5766. You are speaking, then, of the higher class of tradesmen now?—Yes.

5767. But is not there an enormous custom which depends upon the working class in Bristol?—Yes; but I do not think they exercise that influence over one another which the higher classes do.

5768. Mr. *Whitbread.*] As to the nomination, you consider it desirable to do away with the nomination?—Yes.

5769. Have you any definite scheme in your head for the nomination to be conducted otherwise than at present?—I would suggest that the same machinery should be adopted; I do not say it should be exactly like, but it should be of the same character as in the municipal elections; for myself, I would desire to say that I would also close the public-houses on the day before and the day of the election, but that is an expression of my own individual opinion, not that of my friends.

Tuesday, 11*th May* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	The Marquis of Hartington.
Mr. Brand.	Sir Frederick Heygate.
Mr. Bright.	Mr. Staveley Hill.
Mr. Cross.	Mr. Howes.
Mr. Dalglish.	Mr. Hunt.
Mr. Edward Egerton.	Mr. Leatham.
Mr. Fawcett.	The O'Conor Don.
Sir George Grey.	Mr. William Henry Smith.
Mr. Gathorne Hardy.	Mr. Whitehead.

THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. ALEXANDER RUSSEL, called in; and Examined.

Mr. *A. Russel.* 11 May 1869.

5770. *Chairman.*] YOU live at Edinburgh, do you not?—Yes.

5771. Will you have the goodness to state to the Committee what is your profession?—I am editor and part proprietor of the "Scotsman."

5772. Have you had any means of forming an opinion with reference to the municipal and Parliamentary elections in Scotland?—I have had a good deal to do with them, both editorially and personally for 30 years, during nearly 25 of which I have been connected with the "Scotsman."

5773. Have you formed any opinion as to the existence or non-existence of any corrupt practices with reference to those elections?—I think that corruption is almost entirely unknown in a pecuniary form, and certainly it is not on the increase.

5774. First we will refer to the municipal elections; I believe that the qualification for a municipal vote in Scotland has never been the same as in England?—No; the Parliamentary and municipal franchise, since the Parliamentary and Municipal Reform Acts of 1832 and 1835, were identical—that is to say, our municipal constituencies were ten pounders, just as the Parliamentary constituency were, the only difference being the boundaries in some places.

5775. Has corruption in any form, to your knowledge, ever existed in the municipal elections?—I never heard of a single case even being suspected in any borough.

5776. Have contests been frequent?—Yes, very frequent and very bitter.

5777. And have they turned upon political questions?—Yes, and ecclesiastical questions, in their local aspects chiefly.

5778. Has any kind of undue influence prevailed in the municipal elections?—There used to be in Edinburgh some 25 years ago, and the same remark applies to Parliamentary elections. I remember when a list of customers of a shopkeeper would be made out and shown in reference to the election, but that is now quite unknown; it is all gone since 15 years ago, and indeed I would say that the shopkeepers are rather masters of the situation now in the towns.

5779. With reference to Parliamentary borough elections, petitions on the score of bribery have been rare, have they not?—There has been only one case of unseating on the score of corruption, about a dozen years ago. I think there have been one or two charges made this election, but they have come to nothing. I do not think that from 1832 till now there has been a single case of corruption established on petition, except that one case.

5780. Have any other petitions been presented alleging bribery?—No, I cannot remember any one, except the case of Greenock last year, which was quite disproved.

5781. Has any petition been tried under the new Act?—Many petitions have been tried under the new Act, but only one that I can remember charging corruption; that was at Greenock; but the judge threw it out. It was some very small charge about whisky; that is the only one; it was tried by one of the superior judges under the new Act.

5782. Mr. *Bright.*] It is the only one in Scotland, is it not?—No, there have been several petitions, but not containing charges of corruption.

5783. *Chairman.*] Have you any reason to suppose that the new constituencies are as pure as the old ones?—I have no reason whatever yet to suppose that they are less pure than the former ones.

5784. You have spoken of direct bribery; do you think that in the Scotch boroughs indirect corruption prevails to any extent?—It is not quite so easy to speak of that; of course, a man is afraid of losing custom or employment, but it is generally his own idea I think, rather than any threat—in the boroughs.

5785. The elections in the city of Edinburgh, I presume are those with which you have been most closely connected?—I do not know very much more about them than the others, because I am often asked about others; there are plenty of people to work them in Edinburgh without me, but I know a good deal about them; I think, although they lately have gone against the way I wished

Mr. *A. Russel.*

11 May 1869.

I wished them, that they are entirely free from anything like corruption.

5786. Have they, in your opinion, usually been decided entirely by the political opinions of the voters?—Yes, in the city of Edinburgh decidedly so.

5787. They have not been influenced by corruption, or by any other external influence?—Not of late years; of course importunity, and deception and things like that, may have been brought to bear, but not corruption, certainly.

5788. To what do you attribute the total or comparative purity of Scotch elections?—I think there is a great deal in there being no custom or tradition of bribery coming down to the constituency created in 1832; I think there is a great deal too in the comparatively more general spread of education and intelligence; and we are a very controversial people and take an interest in political and ecclesiastical questions, so that there is very little either of ignorance or indifference, which are the fields for the operation of corrupt influences; perhaps indifference more than anything; we have very little indifference.

5789. You attribute importance to the fact of the constituencies created by the Reform Act of 1832 having been entirely new?—You may say that they were entirely new. I lay a good deal of stress on the entire disconnection between the new and the old constituencies. The old constituencies were corrupt, but they were exceedingly small. I think you will find in the English boroughs that with, I think, the single exception of Wakefield, up to very lately at least, corruption was not established against any English borough except the old ones, where the element of freemen existed. In Scotland we had the same sort of class, but they were so exceedingly small that they did not leaven the whole lump, or at all affect it. We had, for instance, only 32 voters in Edinburgh, where we have 21,000 now, and those 32 were a little clique up to the year 1832, till the first Reform Bill; then we had about 10,000 under the Act of 1832, and we have 21,000 under the present Act. Of course, the 32 were looked upon hostilely, and they had no effect in corrupting the rest; and it was the same all over Scotland.

5790. I understand you to say that you would not speak so positively of the total absence of intimidation?—Not so absolutely, and as to the counties, not at all.

5791. But in the boroughs, do you think that it exists?—There is a little, but it is getting very small now. I should say that one reason of that is, that, with scarcely an exception, there have been no contests between political parties in boroughs for nearly 20 years; the Conservative party have given it up.

5792. But there have been contests, have there not?—Not for 20 years.

5793. Not between political parties, but between individuals?—Certainly, between individuals.

5794. I presume that the principal inhabitants of the borough or city take as warm a part in those contests between individuals as they would have done if they had turned upon politics?—I think scarcely so; but certainly if a man went now, say a lawyer in Edinburgh, and threatened a shopkeeper, the thing would be thought a wonderful affair, and would make a great noise; whereas I remember the time when it was quite common.

5795. Do you think that intimidation is on the decrease, not only in larger but also in smaller boroughs?—Yes, I think decidedly so; especially by the upper classes in the boroughs.

5796. We have heard that in some English boroughs considerable intimidation is practised by the working classes upon each other, and upon the small tradesmen; do you think that anything of that sort takes place in Scotland?—I never knew or heard of a case in boroughs; and I am speaking all along of boroughs.

5797. Have you had any experience of elections in counties?—Yes, a good deal.

5798. Could you speak in the same terms with reference to the county elections?—No, not as to certain forms of corruption, and certainly not as to intimidation; tenant farmers are often wanting some little favours, or they are a little behind with their rent, and they are operated on very much in that way; but as to direct pecuniary corruption I think there is as little in the counties as in the boroughs. I have often sat on county Committees where the contest was running very close and scrutinized the names, and I never once heard a suggestion to give anyone any money, although those meetings were confidential, nor any person named as open to such an offer, either in county or borough.

5799. What have you to say as to intimidation in counties?—There is a great deal of intimidation, in the milder form of influence or inducements by favours, and a great deal also by threats.

5800. Is it not a fact that the higher class of tenant farmers in Scotland are extremely independent?—In some counties, I may say in many counties, they are very much more so than they were 20 or 25 years ago; and there has been a sort of social liberalism, or discontent you may call it, rising up amongst them. They are not keen politicians in the strict sense, but they are men of capital and education. I do not think that they quite approve of their social position in relation to their landlords; and several questions, especially hypothec and game, have made them very keen in the elections lately; men who really never meddle with general politics come up generally against their landlords on those questions.

5801. Does that arise from the fact that they have most of them leases?—All the large farmers have leases; 19 years is the ordinary term.

5802. Then they are not liable to much pressure from their landlords?—Yes, they are, they have a number of reserved questions about repairs of buildings, and things of that kind during their lease; but as the lease approaches a close, they are open to a good deal of pressure.

5803. Do you know of your personal knowledge, many cases in which a large number of tenant farmers have voted in direct opposition to the wishes of their landlords?—Yes, a great many. In East Lothian, where there is scarcely a Whig landowner, I believe the majority of the large farmers voted against the Conservative candidate last time; even in Dumfriesshire, which is prehaps the most Conservative county in Scotland as to the ownership of the acres, the majority of them voted for the Liberal candidate, although he was a stranger from London. I cannot speak so positively as to Perthshire, that is a very difficult county to get facts from, it is so varied; but I believe that the majority of the tenant farmers there also voted for the Liberal candidate.

5804. Have

5804. Have you any knowledge of what has taken place, or is said to have taken place, in the counties of Dumfries and Roxburgh, at the last election?—I know from the people engaged in the management of the election coming a great deal about me, and telling me everything, almost from day to day, as to what was going on.

5805. Mr. *Hunt.*] Were you in Dumfriesshire at the time of the election?—No, I was not in Dumfriesshire at the time of the election.

5806. Or immediately afterwards?—No.

5807. Were you in Roxburghshire at the time of the election?—I was a little in Roxburgh; I was living just on the borders of it, but I may explain that people came to my office as a matter of business about it.

5808. You were not concerned in either of those elections?—I had not a vote.

5809. You did not take any active part in canvassing?—No, I never canvass anywhere.

5810. Sir *George Grey.*] Did you derive your information as to what took place at the elections in either of those counties, from personal communication with persons who were voters?—Yes, and from the agents and the candidates, some of whom came constantly about me, and also a great deal of my information is a matter of publicity, and has been stated in all sorts of speeches, and published in all manner of forms, and discussed for some time.

5811. *Chairman.*] Is it within your knowledge that statements have been published to the effect that pressure has been exercised by the landlords on their tenants in the county of Dumfries?—Yes; both general and specific charges have been published.

5812. Have they been published in the newspapers?—Yes; over and over again.

5813. Have they been contradicted by the landlords?—In Dumfries there was, I think, a contradiction in one case by a landlord, but in the Roxburgh case there was not any contradiction.

5814. Will you mention to the Committee any statements which have either been publicly made in the newspapers, or which have come to your knowledge by personal communication with the parties concerned in any case?—I will state a case in Roxburgh, without giving the names. A man who was on the point of getting a renewal of his lease voted in a certain way at the general election, and he stated to me that the factor came to him and said that the landlord had made up his mind not to give him the lease, and that he would never give another lease on his property to any man that would vote against his (the landlord's) party; and the tenant wrote to the landlord a letter, which I saw, and it was a very polite and rather submissive letter, saying that he had never been a politician, but that in his capacity of vice-chairman, I think it was, or a committeeman of the Agricultural Club, he had taken up certain questions, such as hypothec and game, and that he could not decently vote against what he had done in that capacity; and also that three of his family, who were all very eminent farmers, had voted as their landlords wished them. But the landlord never answered the letter, and refused the lease. I might mention that this man is one of the most eminent farmers in Scotland.

5815. Are there any other cases which have come under your personal notice which you wish to state to the Committee?—I do not, at the moment, remember any particular cases. I know the system generally to be very serious as the leases approach expiry in some districts; in some it is not so.

5816. But has it been frequently and generally asserted, and without contradiction, that great influence has been used by landlords upon their tenants?—It is very universally asserted and believed, and it cannot be said to be denied.

5817. The cases which you have mentioned have been those of tenants holding a considerable amount of land, have they not?—Yes; some of the Dumfriesshire cases were small, but it is a county held in very small farms compared with Roxburghshire.

5818. Have a new class of county voters been created by the late Reform Act?—Yes, a very considerable class. We had no 40*s.* freeholders, or indeed any freeholders at all, in Scotland before; so that under the Act of 1832 you needed to be a tenant to the amount of 50 *l.* to have a vote, or to be an owner to the amount of 10 *l.*, instead of 2 *l.*, as was the case in England; but this last Act brings the ownership to 5 *l.*, and the occupancy to 14 *l.* Except in the Highlands, it has not brought in many purely agricultural voters, but it has brought in villagers and people in those small towns which are not Parliamentary boroughs.

5819. Are the new county voters, in your opinion, a more or less independent class than the old ones?—One can hardly speak generally upon that point, because counties differ so very much, according to the preponderance of the agricultural element. But taking an agricultural county, say East Lothian, which is entirely agricultural, I would say that, comparing the old 10 *l.* feuars, who are leaseholders for life, with the new ones, the new ones are not so independent—in the agricultural counties. In the East Lothian election we were quite disappointed. You must understand that they are quite independent as to the tenure of their houses; they cannot be put out; but their occupations are so small that they need a little bit of employment from the neighbouring landlord, and a little bit of land to help them on. The ten pounders were rather the shopkeepers, and they were not so dependent, but that is only in some counties. I would say that in Perthshire, where there is an infusion of the manufacturing element, and the villagers are not so dependent on the rural population, they are a very independent and a very intelligent class too; that is the case in all counties where the villages are mixed in their elements.

5820. Do you wish to see a change adopted in the mode of voting?—Yes, I should like to see the ballot introduced.

5821. Both in the municipal and the Parliamentary elections?—I never considered the matter as to the municipal elections, but it would be difficult to make a distinction, perhaps, seeing that the constituencies are identical. I think, for one thing, there would be less canvassing, especially in the counties; it is very irritating the canvassing, especially by ladies.

5822. Mr. *Bright.*] Do ladies canvass in Scotland?—That new class of voters that we have just been speaking of, small people in the unrepresented towns forming politically parts of counties, were most tremendously squeezed at the last election, especially by ladies, in places like Kelso, for instance. Those people had not votes at all before, and they are a little dependent on the wealthy families in the neighbourhood, and there was tremendous pressure brought to bear upon them. I know very pain-

Mr. *A. Russel.*

11 May 1869.

ful cases of people losing their customers, and so on.

5823. Can you state anything with regard to that, of your own knowledge?—I can state nothing more positively than cases like this: a lady would come to a shopkeeper, and say that if he voted so-and-so the family would withdraw their custom; and he voted as he thought right, and the bill was asked for the next day, and the custom withdrawn. There were scores of cases of that sort.

5824. You think that you are not overstating the case in saying that there were scores of cases like that?—There were hundreds of cases like that; I was talking rather of one county when I said scores of cases.

5825. Mr. *Fawcett.*] Was it one town?—It was one county.

5826. Mr. *Hunt.*] It was all on one side, was it not?—The other side had scarcely the means or need of exercising that sort of pressure, except, I may mention this, that in certain districts I know there is a pressure the other way; for instance, a shopkeeper may, for some reason or another, prefer to vote for the Conservative candidate, and I know a number of cases where he is rather afraid to do it, owing to his customers being the urban population, and they might withdraw their custom; but then they do not go and threaten it. They may do it, or he may imagine that they will do it. I do not say one side in that sense.

5827. *Chairman.*] But those cases to which you refer are not mere hearsay; you know them?—Yes, and they have been discussed, and mentioned in public, over and over again.

5828. You state that you are in favour of the ballot; I presume from the evidence which you have given that it is chiefly on account of what takes place in the Scotch counties that you desire to see the change?—Yes.

5829. But for the borough elections, you do not think that any change is necessary?—I think that they would be better of it too, and I cannot see any way of making the distinction.

5830. If no more improper practices prevailed in the counties than in the boroughs, you would not think that a change was required?—I would not think that it was of much practical importance; but I do not know what may happen with the new constituencies; there is a new class that have not been well tried yet, and the practice may come of employers coercing their workmen. We have not got that yet, but we have only had one election; we can hardly say that we have had a political contest in the boroughs.

5831. Do you think that the ballot would be a great gain to either political party in Scotland?—I do not think it would make very much difference. I think that its chief benefit would be in making the elections work smoothly, and that there would be less of that irritating canvassing and hanging on people day after day. I have known a Countess sit for half a day with a level crossing keeper, trying to get him to change his vote, and I do not think that Countesses would do that, if they did not know whether they got the vote or not.

5832. When you say that you do not think that it would make very much difference to either political party, you speak with some knowledge of the subject, do you not, as you have had considerable experience in election matters all over Scotland?—Yes, all over Scotland, except a little of the west, which I do not know much about.

5833. Have the Scotch elections generally been free from riot?—I do not think we have ever had anything that you could call a riot in the boroughs, but we have had in some counties very serious ones. There was a Committee of the House of Commons, which sat in 1837 and 1838, about those mobs, but the inquiry was only with reference to certain counties.

5834. What was the nature of those riots?—Mobs attacked a certain class of voters, and tore their clothes off; I could name the places, it was at the sort of half populous polling places in the counties by the people resident there. And it arose a good deal from this: the franchise in Scotland, which was different from the English, gave the people in those places almost no votes; take a place like Dunse or Peebles; there was not a man in it occupying a house of 50 *l.*, and that caused great discontent, because there were almost no people on the roll; then on the other hand there was a system got up of enrolling strangers from a distance as proprietors, who made merely a fictitious payment; for instance, a man would live in a house paying 40 *l.* a year rent, and he would have no vote, but four people of whom he had never heard, and who, as far as he was aware, had had no transactions with him as landlord, would come down from London or Cheltenham and vote, and the sight and knowledge of this caused immense bitterness in those places, and only in those places have there been any serious riots.

5835. Were the riots got up by the one side or the other, or were they spontaneous?—We have no Conservative mob in Scotland; the riots were all on one side.

5836. But do you think that the rioters were encouraged by the leaders of either party?—No; they knew the men, and they watched them coming in by the stage coaches in those days, the men from a distance who were strangers, and they set upon them and dragged them through the river, and all manner of things.

5837. Sir *George Grey.*] Are you now referring to the Roxburgh county election, which was investigated by a Committee of the House of Commons?—Yes; in 1837 and 1838.

5838. Has there been any revival of those scenes since?—Yes, there has been plenty of it.

5839. Does that system go on at the present time?—Yes; there is a little tendency to it yet in those counties, but the late Reform Act has rather swamped that class of voters; for instance, in Peebles and Dunse and those places which I mentioned, there are a great number of inhabitants enfranchised, and the feeling is greatly allayed.

5840. *Chairman.*] Could you mention any instance where this practice of creating fictitious votes has been given up by both sides, and where that has had an influence in making the elections more tranquil?—Yes, it was given up in Mid-Lothian a long time ago; and where we used to have rather angry meetings, this time I saw Lord Dalkeith, who I may say without offence was the unpopular as well as the losing candidate, speak for an hour and a-half from the hustings on a cold day, without the slightest interruption by the crowd. I do not suppose that he had one in 50 of them in his favour, and he could not have done that in Selkirk or Peebles,

or

or places where those voters existed; the feeling was altogether different.

5841. And there was no general irritation of feeling throughout that contest in Mid-Lothian?—No, there was not.

5842. Was the tranquillity preserved through the polling day?—Yes, entirely.

5843. Have you formed any opinion on the subject of public nominations?—I do not think that there would be a balance of advantage in their abolition. We have had no serious evils arising from them in Scotland; and I may also mention, that in some counties it is the only time that we can get a sight of the candidates. There were two very important counties in Scotland contested fiercely for four months, and one of the candidates, in each case, we never saw till the hustings, and of course it was all over by that time.

5844. Mr. *Bright.*] How do you account for that; did not they come into the county?—They were in the county, but they would not speak, nor let anybody speak to them.

5845. Did they rely a good deal upon the influence which you have spoken of to-day?—Entirely so, or on personal importunity a little; they went about from door to door to some extent.

5846. *Chairman.*] Is it possible generally at a nomination in Scotland for the candidates to be heard?—Generally speaking, they are heard on both sides pretty well.

5847. The riots are not common at the nominations?—Except where those fictitious voters are a prominent element.

5848. Sir *George Grey.*] Did those riots take place at the nomination or on the polling day?—Generally the polling day, because those voters are never seen in the county at the nomination, or on any other occasion except the polling. They just poll and go away again to London or to Edinburgh, or wherever they live. We thought that the late Act would put an end to them, but they are putting them on very fast again, because they can do it now with a smaller expenditure of money, owing to the reduction of the qualification.

5849. *Chairman.*] Do you think that you would lose more in Scotland than you would gain by doing away with public nominations?—I think so; it is perhaps a little bit of sentimentality, but I do not like the idea of proceeding on the hypothesis that people cannot meet together for an important political purpose without rioting or otherwise disgracing themselves. I do not like to think of an election as something shocking or offensive to view, like an execution.

5850. They have been frequently described by English witnesses as nothing but a farce, and a very mischievous farce; that is not your view of them?—Certainly not; the speeches in Scotland are generally heard very patiently; the show of hands used to be a good deal of a farce, but it is becoming less so, of course, as the suffrage is becoming extended. It is a pretty fair index now as to the result. Perhaps I should say that one cause of the want of disturbance at the hustings in Scotland is that you cannot hire a mob in Scotland; and, as I said before, the mob is all on one side.

5851. Where are the nominations of the city of Edinburgh held?—Near the Cross, just in the centre of the city, on the High-street, the people standing on the street.

5852. Is there a great attendance?—Yes, a great attendance.

5853. And perfect tranquillity?—There was perfect tranquillity this time; I have seen a little row; we have not had a contest for 20 years till this year.

5854. Can the speeches be heard?—Perfectly, according to the strength of the man's voice; that was the case with Lord Dalkeith this time.

5855. Mr. *Fawcett.*] That was the election for the county of Edinburgh?—Yes.

5856. Mr. *Gathorne Hardy.*] You have had some bad mobs lately in Scotland, have you not, not in those counties to which you refer?—Yes, in Perthshire there were some; they were not very serious, but they were ugly; and there were some in Fifeshire, too.

5857. They have a very disagreeable habit in Scotland, which is almost confined to Scotland, and the mobs there, of spitting upon a person, have they not?—Yes, a very vile habit.

5858. That is almost confined to Scotland, is it not?—I do not know; I never saw an English county election, except in Northumberland; I did not see any spitting there.

5859. Had not some of those voters who came from a distance to wear mackintoshes?—I did not know that they took any precaution. I do not think they often spit on them; they took off their clothes, I think.

5860. *The O'Conor Don.*] Does that take place at the nomination or at the polling?—At the polling.

5861. Mr. *Hunt.*] Who is it that uses this habit; is it the mob?—Just the mob.

5862. The mob is all on one side, is it?—Yes, all on one side.

5863. And the Liberals are the spitters in Scotland?—A certain section of them.

5864. You are a member of the Liberal party, are you not?—Yes.

5865. And you wish to see the mode of voting changed?—Yes.

5866. Are you aware that your side has 53 out of 60 representatives for Scotland at the present time?—Yes; 52 since we lost Dumfriesshire the other day.

5867. You are not satisfied with a mode of voting which gives you 52 out of 60 representatives?—I want to give fair play to both sides. With regard to the effect, I do not think that the ballot would make any alteration in the general result.

5868. But mob intimidation, at all events, is all on one side?—Entirely so.

5869. I suppose people do dislike this practice of spitting, do they not?—I should think so; the persons spat upon do.

5870. Are there any other influences used at the Scotch elections besides landlord influence?—I said, I think, in answer to a question, that I think that in some of the manufacturing villages within counties, the population there will exercise a great deal of influence over shopkeepers and people who may be inclined to vote on the Conservative side.

5871. Is there much influence used by ministers of religion in Scotland?—Yes, a good deal; nothing like Ireland or even England; but there is a good deal.

5872. In what way is that used?—They do not canvass the people, but they harangue a little.

5873. Do they use their pulpits at election

Mr. *A. Russel.* 11 May 1869.

times in favour of particular candidates?—In favour of particular political views they do. I do not think that they would name a candidate. It is very slight, and on both sides, I may mention.

5874. But that is done very extensively, is it not?—It was done, perhaps, more at the last election than at any previous election. I scarcely heard of it till the last election. I must say that I think the clergy of the Established Church were very shy of doing it last time; less than before, I think. I think it is right to mention that.

5875. Were the ministers of other persuasions shy of it also?—No, I think they were a little more active this time; that arose, I think, from the question before the electors being ecclesiastical, being the Irish Church, and, of course, all the Dissenters took a lively interest in it.

5876. They were against all establishments were they not?—Most of them.

5877. Was it the case that they took a very active part at the two Dumfriesshire elections?—Yes, they took a very active part.

5878. And was it the case that the landlord pressure was put on rather more strongly than usual to counteract the unusual activity of the ministers?—I am not aware of the motives of the landlords in doing it, but they did it before when there was no such influence exercised by the ministers.

5879. Was it the case that the landlords used a good deal more influence than usual at the last election for Dumfriesshire?—There had been no contest for Dumfriesshire for 80 years, therefore I cannot speak upon that.

5880. Mr. *Bright.*] During the last election do you consider that landlord influence was more generally used than in former general elections in Scotland?—No, I cannot say that it was as to one class of voters. However it might have been used, it was much less successful as to the higher class of tenant farmers at this general election than ever before. As to the new class of voters in some counties it was comparatively little, but in other counties it was much more severe.

5881. Mr. *Hunt.*] But it was the case that ministers other than those of the Established Church were excessively active at those two elections in Dumfriesshire?—Yes, and in Perthshire. There were no Whig proprietors, nor people to speak for the comparatively small people who supported the Liberal candidates there, and they, in a manner, thrust forward their clergy to make speeches, as they were not very good at it themselves.

5882. Are you aware that a great many voters had very great difficulty, in consequence of the pressure put upon them by their ministers, in voting in the way they usually had been in the habit of doing?—I never heard of a case of that sort. I do not think that in Scotland they are much afraid of ministers in that way. I mean there is no parallel between the position, say, of a Scotch Free Church minister and of an Irish priest; he has not the same sort of influence at all.

5883. Did they not use that kind of influence very much in Dumfriesshire?—Nothing, except in speaking; I do not think that the ministers even canvassed; and at any rate they have no spiritual terrors in Scotland.

5884. I understood you to say that you thought the great intelligence and the high state of education of the Scotch people was one of the chief reasons why they were not subject to bribery, or did not give way to bribery?—I said the comparatively greater spread.

5885. Do you think, if education spread in England, that it would have the effect of raising the voters above corrupting influences?—I would infer so.

5886. It would be thought a disgrace in a Scotch constituency for a voter to take a bribe?—Yes, it would decidedly; he would be looked upon as little better than a thief if he did.

5887. The people take a very great interest in politics, do they not?—Yes, a very keen interest.

5888. They even like to hear a political argument?—Yes; they are very fond of argument.

5889. And they would like to hear an argumentative speech upon politics even from a man that they disagreed with?—Yes, I think that, on the whole, they listen very patiently.

5890. Is not that one reason why, at nominations in Scotland, the unpopular candidate is listened to?—It is one reason.

5891. They like to hear a question argued out?—Yes, that is my opinion.

5892. Mr. *Edward Egerton.*] Did I correctly understand you to say that you had acted as election agent in any of those counties?—No.

5893. How is it that all those different tales about different elections came to you?—They came to my office as editor of the "Scotsman."

5894. A good deal of land is held or leased from year to year in Scotland, is there not?—No, almost none, except in the case of cottars in the Highlands.

5895. Is there not some in East Lothian?—No, not an acre that I know of; I never heard of it.

5896. Did not the elections this last year turn as much upon the subject of hypothec and the game laws as upon any other general question?—In some counties. For instance, I believe that which really carried the counties where there were villages, in which they did not care a straw about hypothec, was the Irish Church; but the farmers were operated upon by the questions of hypothec and game very largely.

5897. Had there been much demand for the ballot in Scotland at former elections?—Not for some years. It is certainly reviving now again; there had been a sort of lull; the Conservatives gave up contesting the boroughs, and the Liberals gave up some of the counties; there was a sort of truce; but in the towns, the middle classes, compared with 25 years ago, are so much more prosperous, and consequently so much more independent, that it is quite a different state of matters from what it was.

5898. Is trade so good throughout the whole of Scotland?—No, but the middle trading class are relatively in a stronger position every way than they were.

5899. Sir *Michael Hicks Beach.*] I think you said that there was no borough in Scotland where there was any regular party contest at the last election?—We have had very few for 20 years I said.

5900. There was one at Glasgow, was there not?—Yes, under the minority system there was; there was one in Montrose, but it was a sort of farce; it was started up at the last moment.

5901. What was the feeling of the electors at that contest at Glasgow?—I was not at Glasgow, but there was a very large majority against the Conservative

Conservative candidate in spite of the minority vote. I think he was about 9,000 behind.

5902. Was there any rioting or any mob intimidation?—I do not think there was the least in Glasgow. I never heard of it.

5903. It went off quietly, you think?—Quite quietly. There was a contest in the Montrose burghs which went off quietly, but it was a little ridiculous; it was not a real contest.

5904. Was it a sham contest?—There was a Conservative started at the 12th hour to draw off the people who were working for the Liberals in the county of Perth, and make them work in the burghs, but the candidate never had a chance.

5905. You speak of the independence or otherwise of the new county voters; how do you define an independent voter?—A man who votes as he thinks right.

5906. A man who holds political opinions, and acts upon them?—Yes.

5907. By independent voters, do you mean to infer those who voted against their landlords?—It might not necessarily be against their landlords; I mean those who voted as they thought right. Of course, if a man happens to vote against his landlord, you may infer that he is independent because he has run a risk.

5908. But you have spoken of several counties where, as a rule, the landlords were Conservative?—Yes; Dumfriesshire and East Lothian.

5909. It may not necessarily follow that because a man voted on the same side as his landlord he was influenced by his landlord, I suppose?—No, I did not say so; I know a number of Conservative farmers, and I also know a number of farmers who were always Conservatives, and now are Conservatives, but who lately voted for the Liberals, owing to those questions of hypothec and the game laws.

5910. Did the elections turn mainly upon those two questions?—Among the purely agricultural voters, they did.

5911. Apart from those questions, there are Conservative farmers in Scotland, are there not, as well as in England?—A great many, I should say; 20 years ago I would rather have polled the owners than the farmers; the majority of the farmers were decidedly Conservative.

5912. Has the feeling changed beyond those two points that you have spoken of?—Yes; as I mentioned before, there has been a change going on for 20 years; you could hardly call it political, but they have been getting off from the landlords somehow. They care less about them; the connection is more commercial now than it was.

5913. Is that because they have become more prosperous?—I think it is partly that; and there is a little pride of class in it. They thought that, as a class, they did not hold their proper position; and they are men of capital and education generally.

5914. Mr. *Fawcett.*] When you speak of the influence exerted by ministers of religion in Scotland, by the Presbyterian clergy, you refer, do you not, to legitimate influence; such influence as that which is exercised by influential Members of Parliament, by a popular speech in a debate?—Entirely so.

5915. But when you speak of the influence exercised by the landlords, you refer to illegitimate influence?—I mean constraint.

5916. Therefore, the one influence cannot in the least degree be set off against the other and different kind of influence?—I would say not.

5917. Are any elections in Scotland very expensive?—Yes, there have been some very expensive ones, and some very cheap ones.

5918. What is one of the chief items in the expense; is it paid canvassing?—No, I do not think it is; conveyance in the counties is a very expensive item.

5919. Is it customary in Scotland to have paid agents?—Yes.

5920. Have you ever thought that it would be well to place some restrictions upon the employment of paid agents?—I would rather have restrictions on canvassing than on paid agents.

5921. You would be in favour of restrictions on canvassing?—If it could be stopped, but I do not know how it could be; it is a tremendous evil for both sides.

5922. It is not at all usual to spend much upon treating in Scotland, is it?—No, it is quite unusual.

5923. And there is no increase of drunkenness either on the nomination or the polling day?—Not very frequently; perhaps there may be a little, in some counties; I do not think that there is any increase of drunkenness to speak of in Scotland on the election day, except what arises from men being necessarily more or less idle that day in order to go up and vote, and they are very apt to take whisky when they would not have taken it if they had been at their ordinary employments.

5924. As you have thought a great deal upon the subject, have you any suggestions to make to the Committee with the view of diminishing the expenses of elections, besides those points which you have mentioned?—I have not particularly considered the subject of expenses; but if by any means, such as the ballot, you could repress canvassing, that would be a very important thing. I may, perhaps, be misleading the Committee about expenses; I do not know what you call an expensive election; the county of Mid-Lothian, where about 2,000 voters polled, cost Lord Dalkeith about 4,000 *l.*; 3 *l.* a vote for the votes that he polled; I do not know whether that is considered expensive or not.

5925. Mr. *Dalglish.*] You have told us something about fictitious votes; is the system of creating those votes on the decline or on the increase?—It had stopped, except in one county, Selkirkshire, till lately; but two or three years ago, in that county, where only 250 people voted, I saw 40 votes put on in one list, not one of whom had the slightest connection with the county, either by residence or ownership, or anything else, and also all more or less the dependants of one person. We thought that it was over, but they have renewed it very strongly in Peebleshire now; they have put on some 40 or 60 people on houses in Peebleshire, the occupants of which have no votes under the Act; and that is one of the irritating things. They have put on, for instance, a dozen men, four from Glasgow, four from London, and so on, at 5 *l.* each, as owners of a 5 *l.* share in a house; so that we will have three or four of them on a house, and the occupant have no vote.

5926. And those fictitious voters have no interest whatever in the county?—None, whatever; I may mention, to illustrate the case, that among the people put on in Peebles the other day, were the four Messrs. Kidstons, brothers, from Glasgow; and nobody in Peebleshire ever heard of them, but they have each of them a 5 *l.* share in a house.

Mr. *A. Russel.*

11 May 1869.

5927. They were not natives of Peebleshire?—No.

5928. Sir *George Grey.*] Were the houses transferred to them permanently there, or for their lives, or only for a time?—In some cases one way, and in others another; sometimes they buy a 5*l.* interest in a house, and sometimes they buy, or seem to buy, it out and out. I may mention that most of those people who have come on to the list in Peebles were formerly on in Selkirk; the county of Selkirk is now combined with Peebleshire, and the town of Selkirk, which formed part of the county, is now a royal burgh forming part of the Border Burghs under the late Act, and they are all struck off because residence is required in borough voters; but they all come up to the next town and go on there, because it forms part of the county; and the Peebles people say, very naturally, "Why should Selkirk be rid of all those strangers, and then they come and put themselves upon us?" That arises from residence being required in boroughs and not in counties.

5929. What is the feeling in Scotland as to the equalisation of the county and borough franchise?—There is a pretty strong feeling in favour of it, if you introduce residence into the counties, not otherwise; when they speak of equalisation in Scotland, they include the exacting of residence in counties as in boroughs.

5930. Mr. *Whitbread.*] With regard to those fictitious voters, is the practice of creating them resorted to by both sides?—It was begun by one side in 1833; then in two counties, I think, or at the utmost three, the other side retaliated for about three years, and then struck off those votes, and came to Parliament and asked for a Bill preventing their creation at all. A Committee of the House of Commons sat upon the subject, and there was a sort of breakdown; but the present Lord Stanley drew a report saying that that class of voters was justly obnoxious.

5931. Then, it is only resorted to upon one side now?—Only on one side.

5932. Is that the Liberal side?—No, the Conservative side.

5933. With regard to the change in the relations between the tenant-farmers and the landlords in Scotland, which you have referred to, in the last 20 years, do you attribute that in a great measure to the fact that when a lease terminates, the farm practically goes to the highest bidder, and there is not much consideration for the former tenant?—The practice is different on different estates; for instance, on the Duke of Buccleugh's estates, which are very large, there is a valuation made independently both of himself and the tenant, and the general practice of his Grace is to offer the farm to the tenant in occupation, if he chooses to pay the rent of the valuator; it is quite different in different places; Some of the owners in East Lothian are very good about it, they always give the tenant the first chance.

5934. Still, the practice prevails very largely in Scotland, does it not, of practically letting it go to the highest bidder?—Yes, and it is rather increasing; some farmers rather like it; they say, "Why should a pet farmer get that farm at a certain rent if I have capital to take it at a higher rent?"

5935. But that has tended, has it not, to foster that feeling, which you say is merely a commercial one between landlord and tenant in Scotland at the present time?—Yes, very considerably.

5936. With regard to the Roxburghshire case to which you have alluded, was there any difference between the tenant and the landlord, upon the matter of rent for the renewal of the lease?—None whatever; the conditions were all drawn up and agreed to, and everything was carried out but the formal completion of the deed, when the election unfortunately took place.

5937. There was no other ground for the refusal to renew, either rent or anything else?—Nothing whatever, everything was settled.

5938. Then, it was a determination on the part of the landlord to have nothing to do with the tenant at any price?—Yes; and he intimated that he would never let any more farms to people who would not vote as he wished them.

5939. You have spoken of cases of the threat of the withdrawal of custom, as being very common in small towns comprised in counties; has that threat been very largely carried into effect, or has it been merely a threat?—It was very largely carried into effect immediately after the election last November.

5940. Sir *Frederick Heygate.*] I think you stated that in your opinion the ballot would lessen canvassing?—Yes.

5941. Will you explain why you think so?—Because I think that people would not waste whole days hanging upon the voters, when they could not ascertain whether their importunities had succeeded or not; that is one cause.

5942. Would not that throw the whole power of obtaining votes into the hands of the press?—That never occurred to me. I am afraid not.

5943. You state that amongst the Scotch farmers, there is a good deal of social discontent?—Yes, there has been a sort of social discontent growing up for some years; I have called it discontent, but I should rather call it dissatisfaction; formerly they were very closely allied with their landlords, somehow, in feeling, and now they are not.

5944. Is it that they object to the preservation of game?—There is a good deal of that in some districts.

5945. Is it that they object to the preservation of game for their landlords, or for the preservation of game altogether?—They object to having their crops destroyed; I may mention that I do not go with some of their views on that question at all.

5946. But are there not large districts where the farmers preserve game, and are great game preservers?—I know of such cases, but it is not a system.

5947. Do the landlords and the farmers never agree in their politics?—They do sometimes.

5948. Did you not state just now that they hardly ever agreed; that there were counties in which every owner of land almost was one politics, and the great proportion of the tenant-farmers the other?—I did not say that all the tenants differed from their landlords; I mentioned East Lothian, where the majority of the farmers, I believe, voted on the Liberal side, though almost all their landlords are Conservatives; but a great number of them voted Conservative, and are Conservatives.

5949. Supposing the ballot were in existence, would a Scotchman be likely to conceal his views in his ordinary daily life?—It would not be known how

how he voted; the ballot would conceal it, of course.

5950. I ask you your opinion on Scotch voters generally; supposing a voter had the protection of the ballot, would he be likely to conceal his vote; would not it be a matter of notoriety which way he had voted, although he had the ballot?—No, it would not operate upon people who really are active or prominent in political matters, but it would upon the quiet people who take no other part but voting.

5951. You think that the ballot would have the effect of deceiving very much the landlords supposing a landlord to hold the opinions which you give him credit for?—A man would say that he would think about it: that would be the way he would put it.

5952. Would not it be perfectly well known to the landlord which way the tenant was likely to vote, and would vote?—No, I do not think it would; there are a great many farmers who never say a word on politics, and are never heard of in such matters, but at the poll.

5953. Mr. *Leatham.*] Have you been long in favour of the ballot?—I have always been in favour of the ballot, if you assume, as I suppose you must, that you want the real opinion of the voter, uninfluenced by anything but reasoning.

5954. Sir *George Grey.*] Is the system of licensing public-houses the same in Scotland as in England; are licenses granted by the magistrates?—They are got from the justices, and from the borough magistrates in boroughs, with appeals.

5955. Does that system exert any influence at all upon the elections?—It is beginning to have a little influence.

5956. In what way?—For instance, in one county there was a contest at the general election, and another shortly afterwards, from an accident, and people who had been refused their licenses before got them, and voted on the side which most of the justices were on at the next election; the whole thing was sent to me, but I refused to publish it.

5957. You mean that the expectation of obtaining a license, or the apprehension of losing it, influences a man's vote?—Yes, a good deal in counties where the justices are all on one side. It is a very loose system that we have in Scotland about licensing; it is all a lottery, and it goes by favour; I do not think generally the justices mean any harm, but they are earwigged out of Court; they are canvassed just as much as if they were going to vote in political matters.

5958. Mr. *Bright.*] When you said that you thought the ballot would diminish canvassing, did you mean that it would diminish or prevent application to any particular man, a voter, to ascertain how he votes, or that it would diminish that worrying importunity of which you have spoken?—It would diminish importunity.

5959. In working an election committee, would it not be necessary, even though you had the ballot, to endeavour to ascertain generally the strength of the party in the different districts?—Yes, quite necessary, and quite easily done too. The canvassing that I object to is that canvassing where a man says he does not want to vote, or says he will vote for A., and people in favour of B. keep coming to his house, or his wife, for months.

5960. A member of the Committee asked you whether it would not lead to what he called deceiving the landlord on the part of the tenant; is it your opinion that it would effect any change in the relations of landlord and tenant, in respect of political influence, or alter their habits of thought and action?—No, I do not think it would. I think any change that would be effected would be for the better. I think the landlord would give up trying to importune and constrain, or give it up to a great extent.

5961. You mean that the knowledge that the landlord could not coerce would destroy the habit of coercion?—That is what I mean.

5962. And the knowledge on the part of the tenant that he was free would establish a freedom of action on his part?—Yes; I even think he would be more inclined to vote for his landlord. I know many cases where the tenant being careless would really have voted for his landlord if he had not been so much bothered and talked about. A man gets into an awkward position in Scotland when his vote is in doubt; the landlord or factor sets upon him and everybody gets his eyes upon him, and sees if he will behave well, and he gets very uncomfortable.

5963. On the whole, would you say that the adoption of the ballot would be a great relief to a large number of individual electors in the towns and counties of Scotland?—I decidedly think so.

5964. Are you able to say, or can you say it without hesitation, that there is an existing or growing opinion amongst county electors in that direction?—It has decidedly revived since this last general election; things, as I said before, had settled down, but now there are contests everywhere again.

Tuesday, 1*st June* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	The Marquis of Hartington.
Mr. Brand.	Sir Frederick Heygate.
Mr. Bright.	Mr. Howes.
Mr. Cross.	Mr. James.
Mr. Dalglish.	Mr. Leatham.
Mr. Edward Egerton.	Mr. Locke.
Mr. Graves.	The O'Conor Don.
Sir George Grey.	Mr. Villiers.
Mr. Gathorne Hardy.	Mr. Whitbread.

THE RIGHT HON. THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. JAMES H. McGOWAN, called in; and Examined.

Mr. *J. H. McGowan.*
1 June 1869.

5965. *Chairman.*] WILL you state to the Committee your profession and residence?—I am a Solicitor in Dumfries, and Chamberlain of the burgh of Dumfries.

5966. Did you act as agent for one of the candidates in the recent contest or contests?—At the general election in November I acted as chief agent for one of the candidates for the Dumfries district of burghs, and at the recent election which took place in the county, in consequence of Sir Sydney Waterlow's disqualification, I acted as Sir Sydney's principal agent for the county. Not in his first contest; I was then engaged in the burghs, and was not engaged in the county.

5967. Have you reason to suppose from what you saw that any undue pressure was exercised upon the voters in the county?—Yes, I have reason to believe that a very great amount of undue influence was used on the part of the landlords and factors.

5968. Of what nature was the pressure which was exercised?—It was of two characters. In the first place every inducement was held out to the tenants either to vote for the Conservative candidate or not to vote at all, and failing those inducements taking effect, threats were used, such as threatening the loss of a man's farm, or of some benefit or privilege that he was receiving.

5969. Of what kind were the inducements which were held out?—Facilities in contravening the lease, for instance. There are some contraventions of leases that might be allowed or that might be passed over, such as being allowed to sell a crop off the farm, and things of that description.

5970. Have any cases come to your knowledge in which actual promises were made with the view of inducing tenants to vote in a particular direction?—After the contest was over I prepared an analysis of the voting at both contests, and I found that the Liberal loss was 80. The Committee will understand that at the first election Sir Sydney Waterlow was in a majority of 44, and at the second election he was in a minority of 36, consequently there was a loss of 80. I prepared an analysis of both polls, in order to ascertain how that loss arose, and I found that out of 144 men who voted in November, but did not vote in March, 100, or more than two-thirds were Liberals. I considered that, coupled with the reports which I had of landlord and factor intimidation, to supply a *primâ facie* case for inquiry, and I was instructed by the Liberal Committee to make an investigation, which I was engaged in for about 10 days, in different parts of the county. I visited most of the parties who had voted at the first election, but who abstained from voting, or who voted the other way, at the second, and consequently I had personal knowledge of a number of cases of what I considered very gross intimidation and undue influence.

5971. I was asking you more especially as to your knowledge of any inducements which were held out?—With reference to that I have a case, not only involving the element of inducement, but the element of intimidation also, and I will give it without mentioning names.

5972. Before going into any special case, you say you were engaged in collecting evidence?—I was engaged in collecting evidence, with the view of petitioning against the return of Major Walker.

5973. But no petition was presented?—There was no petition presented; and the grounds why no petition was presented were chiefly these: first, the difficulty of proving agency by the candidate or his authorised agents; and, secondly, the fact that we should have had to get the evidence from the mouths of most unwilling witnesses; witnesses who would have been seriously injured by the evidence which they would give.

5974. In your opinion there was no want of evidence which would have supported a petition?—I believe there was sufficient evidence to have supported a petition, if we could have proved agency.

5975. Will you now proceed to state the case to which you have alluded?—I will proceed to state a few illustrative cases. The first is the case of a farmer, a very keen Liberal, who voted for Sir Sydney Waterlow in November, and who sent in his written pledge to vote for him again in the event of another contest. This pledge was sent in in December. The lease of this party's farm expired at Whitsunday, in the month of May. The factor on the estate, one of the largest estates

estates in the country, wrote to him in February, that he had been instructed by the landlord to arrange for letting the farm, and he fixed a particular time to meet him, to see what was to be done. It is usual on that estate, that when a lease expires, the factor values the farm, and lets the tenant have a renewal of the lease at the amount of the valuation. At the meeting, however, the factor declined to tell the tenant the amount of the valuation, but took in an offer from him, explaining that if he sent in a letter pledging himself not to vote against his landlord at the next election, he would get the farm at the valuation. The tenant wrote the letter required some weeks afterwards, after consideration; but immediately after that he received a note from the factor, appointing another meeting, as he said in his letter, on a matter of business. At that meeting the factor told him that his letter was not satisfactory; that he must not only promise not to vote against his proprietor at the next election, but at every election, as long as he was tenant of the farm. With very great reluctance the tenant wrote the letter in the terms requested. He did not vote at the election in March, and within 10 days of the election he received a letter from the factor, that his offer had been accepted, and that he was to have a renewal of his lease for 15 years. I may mention that I got this evidence from the farmer's own lips; and that I have in my possession at this moment in his own handwriting copies of the two pledges that the tenant farmer wrote, and also the originals of the letters that the factor wrote appointing the meetings, &c. That is one case. I believe that that was not the only case of the kind on the same estate, but I have no direct evidence of any others. I have heard the factor's conduct justified on the ground, that a landlord is entitled to choose his tenants, and to insist upon any terms he pleases. I will give another case. It was that of a farmer who, like the other one, voted Liberal in December, and sent in his written pledge to vote again in the same way in the case of another contest. He told me that he had got a letter from his factor, asking him, as a favour, to vote for the Tory candidate; and about the same time he was told indirectly that he would not be allowed in future to sell his rye-grass by auction, as it was a contravention of his lease, unless he voted Tory, and he did vote Tory, although he had voted Liberal in November, and although he assured me at the time that his principles had not changed.

5976. How did you become aware of those facts; was it from the tenant himself?—From the tenant himself, from a call that I made upon him; of course I felt myself entitled to call upon the man, seeing that he had voted for Sir Sydney Waterlow in November, and had sent in his written pledge to vote again, whereas he had come up to vote on the opposite side.

5977. With regard to those two cases, you could have proved them if there had been a petition; but should you have had a difficulty in proving that the factor was an agent of the candidates?—We should have had some difficulty in proving that; in fact, in the last case the factor occupied an official position, which precluded him by law from interfering in an election, and consequently he could never have been assumed to have been an agent of the candidate's. I have the case of another farmer who voted Liberal in November, and sent in his written pledge in December. He told me that his landlord had pressed him very much to vote Tory, and had reminded him that he had had a favour given him on his father's death by getting the lease transferred to his name; and he told me that he saw that his landlord would be much displeased if he voted against him, and to save trouble to the family he voted for the Tory, although he was a Liberal in principle. I had that also from the man's lips. There was another case on the very same estate of a farmer, who not only voted and pledged as the others had done, but added as a postscript to his pledge "P.S. A firm supporter of Sir Sydney's." After the first election, when he voted for Sir Sydney Waterlow, his landlord passed him on the road without taking any notice of him, and showed his displeasure in several other ways. On the second canvass the landlord became very urgent, and told the man he had voted once to please himself, and he must vote this time to please him. He had been in the habit of doing little odd jobs at the big house, and he told me he concluded that it would be better for him to sacrifice his principles and vote Tory, and he did so. Another farmer, when I made my appearance on his farm, showed signs of very great trepidation. He told me that he had a wife and a large family to support, and he was in very great dread of being examined in reference to any case of intimidation. He told me that he had been intimidated; but he would not give me the particulars. I pressed him very hard, but he would not give me the particulars. He said that he had been forced to vote against his wish; that he was a strong Liberal in principle, and if called upon he would state the facts on oath. I will give another case of a series of five or six farmers on the same estate that I visited in succession, one after the other; one of the largest estates in the county. They had all voted Liberal in November, and they told me how they had been treated by the factor. He had called and told one of them that he was contravening his lease, and if he did not vote with his landlord on the second occasion he would be turned out. To another farmer he said that voting against his landlord's wish was just spitting in his face. He told all those men that they were a beggarly lot, and if he was the landlord he would sweep them off the estate, and that they were kept there purely out of charity. Another farmer was from home when the factor called, but he saw his wife, and he told her that her husband had gone determinedly against his landlord's pleasure, and when she defended him he shook his fist at her, and said that he would be turned out of the farm at the end of the lease if he did not vote right the second time. Her next neighbour saw the pantomime going on, of shaking his fist, and he got so frightened that he ran into the house and hid himself in bed to avoid the factor. That is the case of six or seven farms all lying together, and all under one proprietor; and the farmers all voted Liberal in November. They had all of them leases of 10 or 12 years to run, and they were thus in a manner independent, and they voted Liberal again in March. I think it right to say that; but I mention it because the utmost pressure was brought to bear upon them. Everything was done to frighten them, but without effect, fortunately. I have other cases on another estate. A farmer going into the polling booth had to pass the factor who was standing at the door of the booth, and the factor said, "You

Mr. *J. H. McGowan.*

1 June 1869.

have offended your landlord; you are a marked man; you have behaved bloody bad." The same factor, in the case of another farmer, to whom he had promised improvements on his farm, told him, after he had voted, "You will not get yon now." The same factor pointed with his finger, and hissed at one of the tenants as he was going in to vote for the Liberal candidate. The same factor wrote to another tenant who had abstained from voting in November, that he would not be satisfied with that, and that he would be both vexed and surprised if the tenant did not vote for the Conservative candidate at the new election. Those are a few illustrative cases; and to show the system that was carried out, I may mention that the factors, and the sons of some of the larger landed proprietors, stood in the immediate neighbourhood of the polling booth on the day of the election for the purpose of, as I considered, pure intimidation, and nothing else, of the farmers, as they came to the poll.

5978. Do you know any case in which a tenant actually suffered on account of the vote which he gave?—Yes; I will give two cases of that kind: I have the case of a man who had been tenant of a lime kiln for 32 years; he voted Liberal in November against his landlord's wish, and the kiln was let over his head to another tenant.

5979. Had he a lease, or was he a tenant-at-will?—I cannot positively say; but I think he had no lease, but was a tenant from year to year, and had been in possession for 32 years.

5980. Was any other reason given?—The form was gone through I believe of asking him to give in an offer, although he had heard before he gave in his offer that the place was promised to another; and he informed me that he had reason to believe that there was no increase of rent, and that the new tenant did not offer a larger sum than he had previously paid. I have another case of an old man 75 years of age, who had been 31 years in possession of a cottage and a small pendicle of land without a written lease, and who had been promised verbally a lease during his lifetime by the proprietor; but he was turned out of the farm at Whitsunday upon three months' notice by the factor, purely as he considered, and as I consider, on account of his voting. Those are two illustrative cases of the sufferings of farmers from their voting.

5981. Have you reason to believe that at the second election the impression prevailed extensively that the tenants would not be allowed to vote as they wished?—Quite so; every exertion was made to make them vote Tory, but failing that, to induce them to stay away, and many ardent Liberals left their homes the night before and did not appear on the polling-day. As I said before, 100 of those who voted in November did not vote in March, and of those one-half at least were prevented from voting by intimidation.

5982. Were the landlords almost entirely on one side in Dumfriesshire?—Almost entirely; I do not think that there were more than three or four exceptions, in estates of any size.

5983. Is there any influence of any other kind besides that of the landlords which is used in that county?—There was a great deal of influence used by bank agents and lawyers, a most disgusting mode of using influence, and derogatory to all professional dignity. At the very beginning of the first contest the Conservative agent issued retaining fees to from 12 to 15 lawyers and bank agents in the small villages throughout the county; those men received fees of from 80 guineas to 100 guineas; they did not do work sufficient to justify that payment, and they were paid for the influence they could exercise upon their clients more than for any work that they could have done in canvassing.

5984. Was any extensive influence used by customers upon tradesmen?—There was a good deal of that; I had cases reported to me, and cases within my own knowledge of accounts that were closed on the day after the first election by factors and landlords with parties who had voted the other way or who had abstained from voting. Accounts were closed that had been in existence for years.

5985. Was there any influence used by employers of labour upon the persons employed under them?—In the county there was not, because there are no employers there to any extent; but I have one case which is some illustration of that, and that was the case of a labourer employed upon an estate who was dismissed from his employment in consequence of his voting for the Liberal candidate.

5986. Except in the case of the influence used by landlords upon tenants, probably other kinds of influence were used pretty much by both sides, were they not?—I fancy that in shops in the smaller towns influence must have been used; I think that it is quite impossible but that some influence was used, but I do not consider that it was undue influence.

5987. In a warm contest is not it almost an understanding that everybody uses what influence he has on the side of the candidate whom he supports?—Quite so; for instance, take the case of what we call ministers in Scotland; there was a good deal of influence used by clergymen, but I am not disposed to say that there was anything but legitimate influence exercised on either side. The Established Church ministers took an exceedingly active part in the Dumfriesshire contest, and three of them signed a petition to this House complaining of the return of Sir Sydney Waterlow. I have heard of several who preached and prayed on behalf of the cause, and I know that the Dissenters did the same, and that they were very active, but I do not think that they went the length of canvassing; I think just from their position they were often asked for their opinion and advice and they gave it.

5988. Do you think that the election was turned by the influence used by the landlords?—Yes, decidedly, and by nothing else.

5989. Mr. *James.*] You have had some experience, have you not, in the elections for the Dumfries burghs?—I have; I was the principal agent for one of the candidates in those burghs at the general election in November last.

5990. About what is the number of the constituency in those burghs?—About 2,400.

5991. And how many burghs form the group?—There are five burghs (which are practically six in number, the burgh of Maxwelltown forming part of the Parliamentary burgh of Dumfries).

5992. First, as to treating, what has been your experience as to treating at elections in those burghs?—I had been engaged in several of the previous

previous elections in the burghs, and at the election of 1865, I had charge of one of the wards in the interest of the sitting Member; my instructions on that occasion were to hold ward committee meetings nightly in one or other of the small public-houses in the ward, and I believe the other ward agents had the same instructions; the business of those meetings was purely formal and soon dispatched, when drink was ordered in and freely supplied to all comers even until after the legal hour; that was practised extensively for three or four different elections in Dumfries by both parties, and it was most disgusting.

5993. In the elections previous to 1865, had that system prevailed generally?—Treating prevailed extensively in the interest of both candidates.

5994. And was it openly done?—Quite openly done.

5995. At the election of 1868 was that system continued?—My instructions from my employer in the election of 1868 were these; I was to expend no money in treating, and I was to hold no committee meetings in public-houses, but I was rather to lose the election, and from first to last I acted upon that principle.

5996. Was there treating at all carried on in the burgh on the other side?—The other candidate gave the same instructions, I believe, to his agent with reference to treating, and consequently treating did not prevail to any extent, but I am sorry to say that his committees met in public-houses, and to a great extent I blame that for losing my election.

5997. To what do you attribute that change; was it the fear of the effect of the law, or what was the change attributable to what took place for the better in 1868?—I attribute it entirely to the views of my own client giving me instructions to abstain from anything of the kind, and that exercised a salutary effect upon the other candidate, who was delighted to give up the old system.

5998. You attribute it rather to the personal feeling of the candidate than to any fear of penal or prohibitory laws?—It was not from the fear of any prohibitory law; it was purely because there was a strong feeling in the burgh among the better class that the system should be put down.

5999. Do you suggest any remedy which, in your opinion, could be found for this treating?—The remedy is that there should be no committee meetings held in public-houses in burghs; I would make that statutory, and, in fact, I would even go the length of saying that it would be a great benefit if the public-houses were closed on the days of the nomination and the polling.

6000. Would the closing of public-houses on the day of the nomination and the poll meet with approval, do you think in the constituency generally?—I believe it would generally among all the respectable classes of the community.

6001. As to bribery, I believe you have no bribery, that you know of, in Dumfries?—There is no bribery either in the burghs or in the county.

6002. In the burghs, was there any intimidation, such as you have spoken of, in the county?—There was the usual slight intimidation in the burgh of Dumfries by customers upon tradesmen, but it did not prevail to a very great extent; but in one of the burghs, the burgh of Lochmaben, there was very great intimidation used. The burgh has a very small population, 1,194, and a constituency of 159. The property in and around Lochmaben was held almost entirely by one of the candidates and his immediate relatives, and I know that one of those relatives who was the principal proprietor canvassed his tenantry very keenly, and that the farmers on the estate exercised great influence upon the shopkeepers and work-people. Many of them told me that they dared not vote for the candidate whom they preferred, because they were afraid of the laird and the farmers.

6003. What was the majority against you?—The majority in that burgh was 79 against us. We had a majority in three out of the five burghs (or, counting Maxwelltown, in four out of six), and it was Lochmaben alone that lost us the election.

6004. Were the candidates of the same politics, or different politics?—They were both Liberals, and both advanced Liberals.

6005. There was very little difference in their politics I believe?—Very little difference indeed. The question arose chiefly upon the way in which the first candidate who came into the field was brought forward.

6006. In the election for the burghs, were paid agents extensively engaged?—Very extensively.

6007. On both sides?—No, not on my side. I may mention that I had charge, personally, of three out of the five (or rather six) burghs, and no other agent was employed, and that the constituency in those three burghs numbered 1,356 out of 2,379, or considerably more than half the constituency; but there were as many as nine paid agents, employed in those three burghs on the other side, and there were as many as 13 paid agents altogether receiving sums ranging from 200 *l.* to 30 *l.* Those were paid by the local candidate, who had the territorial influence, and who exercised it, and yet he gained his candidature by a majority of 42 only against a total stranger.

6008. Have you found that the magistrates in those burghs in any way bring their power to bear upon the publicans in relation to the licensing laws?—I am sorry to say that there was a flagrant exhibition made in October last in the burgh of Dumfries. The burgh magistrates, at the licensing court held in April 1868, which was long before the election, unanimously refused no less than 12 applications for licenses on the ground that there were too many licensed houses in the town, and that they must be reduced. The same magistrates sat at the next half yearly licensing court in October; the same parties applied again, and the magistrates, by a majority of 3 to 1, granted them all. That was just three weeks before the poll. The presiding magistrate, the Provost of the burgh, was the chief agent for one of the candidates, and the two magistrates who joined him were active canvassers for that candidate. Nine of the publicans voted on that side, and only one of them the other way; the other two had no vote.

6009. Nine out of the 12 voted for the candidate of the Provost, through whose interest they had got the license?—Yes.

6010. Had the circumstances in relation to the number of other public-houses altered at all?—Not at all, the same condition of things existed.

6011. Did the magistrates give any reason in

Mr. *J. H. McGowan.*

1 June 1869.

answer to their own reasoning in April, that there were too many public-houses in the town when they granted them in November?—No, they allowed a statement from one of their brother magistrates on the bench to be passed over. He said that he was surprised to see that the magisterial office had been prostituted for political purposes; he said that on the bench and there was nothing said in reply.

6012. How many magistrates were on the bench at the time that the licenses were granted?—There were four magistrates on the bench.

6013. I think you said that the Provost was an agent, and the two others were active canvassers?—Yes.

6014. I believe you had had no contest in the county of Dumfries for upwards of 60 years?—No.

6015. And the representation had been in the hands of one political party?—All in the hands of the Tories.

6016. There are four landowners, are there not, who hold a large proportion of the land of the county?—There are four proprietors, who hold one-third of the county.

6017. I believe upon the estates of those landowners there are a large number of voters?—Their tenantry form a large number of voters.

6018. What class in life are the factors that you have spoken of?—They are generally small landed proprietors in the county itself; and in consequence of the large size of the estates they are very handsomely paid.

6019. Do you find that in all instances the political opinions of the factors agree with those of their landlords?—Invariably.

6020. Taking the result of what you saw at the last county election, do you believe that the constituency fairly recorded its opinion?—No; they were prevented doing so entirely by the pressure which was brought to bear upon them by the landlords and the factors.

6021. After the election, was not a petition signed to the House of Commons in favour of taking votes by ballot?—There was a petition sent up from every parish in the county in favour of taking votes by ballot, signed in some cases by two-thirds of the population of the parish, and altogether in the aggregate by about 6,000.

6022. Was that petition signed by voters who entertained different political opinions?—I saw attached to the petition the names of parties who had voted against us, and who had not voted at all.

6023. Persons who had given votes for the Conservative candidates, and also those who had abstained from voting?—Yes.

6024. Were there many voters who did abstain from voting?—As I said, at the last election, there were 144 who abstained from voting.

6025. Those were 144 who had voted in November, but upon the register were there many who abstained?—The register was in a frightful state; the nominal number on the register was 2,900, but there were 150 dead men on the register, and there were 250 duplicate and triplicate, and up to six double entries.

6026. Was such influence brought to bear that many persons abstained from voting, on account of the influence that was brought to bear upon them?—Yes; there was influence brought to bear at the first election which was continued at the second.

6027. Do I rightly understand from you that the gross number of those who voted in March 1869 was less than the number who voted in November 1868, to the extent of 145?—No, there were more voted in 1869 than there did in 1868; I have an analysis before me here, which shows that there were 144 voted in 1868 who did not vote in 1869, and there were 186 who did not vote in 1868, but who voted in 1869.

6028. Then there were 42 more voted upon the gross poll in 1869?—Yes, quite so.

6029. The chief cause of the alteration in the result was the abstaining from voting in 1869 of those who voted in 1868?—Yes.

6030. Upwards of 100 voted one way who did not vote at all in the former election?—Yes, 108 exactly.

6031. Your nominations are generally quiet, are they not; you have no rioting and no disturbance?—There is no rioting at the nominations; I have never seen any such thing.

6032. Sir *George Grey.*] Was there any treating at the county election?—None, that I am aware of, on either side.

6033. Mr. *Villiers.*] What you have been telling us here to-day is perfectly notorious in the county and burgh, is it not?—The statements which I have made to-day are perfectly notorious.

6034. Have the practices you have described met with any reprobation on the part of anybody?—They have; the reprobation which they have met with has been shown by a petition in favour of the ballot and the statements made in that petition.

6035. I suppose that the landlords and all the people who support them entirely approve of the way in which they have exercised their influence?—They justified their interference by saying that any such interference would be justified to turn out a total stranger; an intruder in the county, as they called him.

6036. They did not consider that an improper influence of property?—I can only judge of the opinion of my own party.

6037. I am only asking you whether those people suffered at all in the estimation of the county, for having so used their influence to intimidate voters at that election?—Undoubtedly they suffered in public opinion.

6038. But the people of their own class thought it was a proper exercise, or a usual exercise of influence?—I believe there was a general feeling among all the landed proprietors in the county that the county should be represented by a county man, and that every exertion should be used to send the stranger back to London.

6039. And therefore they were justified in what they did?—They considered that they were justified.

6040. And we have reason to suppose, therefore, that they would do it again?—Most distinctly they would do it again.

6041. Was there any pressure put upon the voters by their own class or by any societies?—I am not aware of any influence that they could bring to bear.

6042. Do you mean that it was the result of their own deliberate convictions and opinions in favour of one of the candidates, that led them to act so entirely against their interest as they seem to have done?—It was their political conviction; they felt very strongly upon the subject of the Irish Church. The Dissenters are a very strong body

body in the county, and from the circumstance of the persecutions in days of old, in our district in particular, the feeling was very strong on the Irish Church; and those men would have supported anybody, from whatever quarter, against a person who would support the Irish Church.

6043. Then it was a matter of conscience with them to support the candidate that they supported upon this occasion?—Yes, it was a matter of conscience with them.

6044. I suppose that their leases have not expired yet, and therefore you do not know the amount of sacrifice that they have made?—We do not know.

6045. Is it generally expected that at the termination of the lease the land will be let to others?—It is generally supposed that it will be so.

6046. With regard to that case of the lime-kiln, which election did that refer to?—The first election in November 1868.

6047. Do you know of any other case in which a man might have been turned out since the election who voted against his landlord?—I gave two illustrative cases of men who were actually turned out, and who had been in possession, the one for 32 and the other for 31 years; but those who have leases cannot tell whether they will be turned out until very close upon the termination of their lease.

6048. Was there any manifestation of feeling, or any expression of opinion upon this subject, by the people, when they heard of all this influence which had been used against the voters?—The people of the towns were very indignant.

6049. But you say that the clergy used a good deal of influence on both sides?—Yes, they did, a good deal of what I believe was quite a legitimate influence on both sides.

6050. Were the clergy using influence with the landlords on the same side?—The clergy would use influence with the landlords.

6051. But you say that they exercised influence on both sides?—Yes; the Established Church clergy used influence in support of the Conservative candidate, and the Dissenting clergy used their influence in support of the other; but I say that both classes of influence I consider were perfectly legitimate; they had no power, in fact, because the Scotch people will not recognise the power of a clergyman to dictate to them.

6052. You say that they preached and prayed for the cause in churches; does not that exercise some influence over the congregation?—I have no doubt that it would to some extent, but I should say that preaching and praying is quite a legitimate influence.

6053. Do you think it is a proper topic to introduce in a church or a chapel?—No, I do not think so, personally.

6054. Did any of the clergy preach or pray against this unjust influence?—Yes, I have heard of that.

6055. Was there ever any expression of feeling in favour of the ballot before the last election?—No; there was no general feeling in favour of the ballot before, because the county had never been contested; the county was in a perfect state of apathy until the knight from London woke them up.

6056. But the town of Dumfries had been contested before, had it not?—Yes, but still even in the town of Dumfries there was not much feeling about the ballot until after the county election.

6057. And you think that this feeling in favour of the ballot has really been brought about by this extraordinary exercise of influence by the proprietors?—To a very great extent; it has been intensified at least. Of course there have been many consistent supporters of the ballot for many years, but many have been converted and original opinions have been intensified.

6058. And have you more reliance upon the ballot in future than you have upon the proprietary being induced to withhold this influence in future?—I have no confidence in the proprietary.

6059. Have you no other scheme to recommend in order to prevent this intimidation?—I think that the ballot is insufficient in itself, unless something is done to put a stop to canvassing by factors, and lawyers, and bank agents, who get a fee in consideration of the influence that they bring to bear.

6060. That would extend to canvassing altogether, would it not?—I should like to see paid canvassing entirely done away with. It was entirely done away with on our side in the burghs. I never saw it done before, but it was done in our case.

6061. Do you mean that there was no canvassing on your side?—There was no paid canvassing.

6062. And you lost the election?—And we lost the election. The candidate made a personal canvass; that is to say he called upon every voter but that was the whole extent of the canvassing.

6063. Did the candidate canvass alone?—I accompanied him to introduce him to the voters.

6064. And you acted for him as agent?—I was acting as his chief agent; I made no calls myself. I merely accompanied him in his personal calls and introduced him to each of the voters.

6065. But the other candidate had persons going about in his service as agents canvassing, had he not?—He had a large number of paid agents going about.

6066. Mr. *Edward Egerton.*] You were a paid agent, were you not?—I was a paid agent, but I was paid as an agent; not as a canvasser. I was not a canvasser at all.

6067. You accompanied the candidate, did you not?—I accompanied the candidate in his calls.

6068. Mr. *Cross.*] You were paid and you canvassed?—I did not canvass. I was paid for my superintendence of a very large constituency. There were on the other side nine paid agents in the district in which I was the sole paid agent.

6069. Mr. *Villiers.*] Was your client a stranger to the place?—An entire stranger; he had never been in the town before and knew nobody.

6070. It was almost necessary therefore for somebody to accompany him?—Absolutely necessary.

6071. With the ballot and doing away with canvassing, do you think that the elections would be pure?—I think that if the ballot were introduced and canvassing were done away with, we should attain to almost absolute purity.

6072. How would a stranger make himself known

Mr. *J. H. McGowan.*

1 June 1869.

known supposing that he had not an agent, and that there was to be no canvassing?—By calling the constituency together and addressing them publicly.

6073. They have strong political opinions there, have they not?—Yes, very strong.

6074. And they would judge of a candidate from the appearance he made there?—They would judge of a candidate by his speaking.

6075. Would you increase the penalties for treating, or for any infraction of the law at present?—Penalties are a dead letter.

6076. Treating is illegal in Scotland, is it not?—It is illegal; but we should have still continued to practise it, unless we had been ordered to the contrary.

6077. Then you agree on both sides to break the law?—On both sides it was carried on, until the last general election.

6078. Mr. *Hardy.*] In how many cases did you discover intimidation?—I should say there were about 40 or 50.

6079. And you say you could not prove agency in any case?—No; we could not connect it with the candidate or his authorised agent.

6080. Was the petition presented, or was your investigation preliminary to presenting the petition?—The petition was drawn up and signed, and 2,000*l.* was contributed towards the expense; and the 1,000*l.* security was also ready to be lodged; but I was sent up to London to get the best advice upon the cases, and the result of that advice was, that it was not proceeded with.

6081. Then your investigation was preliminary to the presentation of the petition?—Certainly.

6082. And I suppose that your investigation was entirely confined to one side?—Entirely.

6083. But if you had 40 or 50 cases which you could prove, that would have given you a majority, without the proof of agency, over the candidate who came in?—But I was not aware that we could do that.

6084. Supposing that there had been a petition for a scrutiny, if you had 50 cases you might have claimed the seat?—We were not going to apply for a scrutiny.

6085. A scrutiny always involves recriminatory evidence, does not it?—In this case Sir Sydney Waterlow would not proceed on the petition himself; the petition was to be entirely at the instance of the committee, so that it could not have involved recriminatory evidence.

6086. If any of the electors had petitioned for the seat, recriminatory evidence would have been given, would it not?—I was not aware that electors could petition for a seat.

6087. Did you not take counsel's opinion in London?—We did.

6088. And they did not recommend any petition at all?—I am not prepared to give the nature of counsel's advice to me; but I say that, after discussing everything and taking the best advice that I could get, in virtue of the power reposed in me, I resolved not to petition; but I am not prepared to describe the nature of the advice which I got.

6089. Upon your own advice you did not think that there was a case, after getting counsel's opinion?—No; neither the counsel nor I was of opinion that there was no case.

6090. But there was not a case that you thought you could succeed upon, at all events?—It was thought that it would be wrong even to risk a defeat, in the very peculiar circumstances of the county itself.

6091. You have mentioned certain cases without giving any names, but I presume that the persons who are connected with Dumfriesshire will know perfectly well what cases you have been alluding to?—I do not think they will.

6092. But either the factors or the persons to whom you have referred, the farmers, will know?—I believe the guilty men will take it to themselves, they will know the cases that have been brought up.

6093. And they will also know who has given you the information?—Yes, they will.

6094. Then, in fact, the farmers, or whoever they are, who have given you the information, are in precisely the same position as witnesses as if they had come here to give evidence upon the petition?—No, they are not.

6095. They have given you information which enables you to make those charges against the factors?—I make no charge against the factors; I am here before a public committee and requested to give my evidence upon the question of intimidation, and I give it as far as I know it.

6096. All the evidence which implicates the factors is derived, is it not, from persons who have told you certain circumstances respecting them?—Yes, from the mouths of the men themselves.

6097. And you say that the factors would know what those cases are?—I think that the factors would have a difficulty in identifying the special cases, because I believe that for one case that I discovered, there were half-a-dozen that I did not discover, and that the factors would have a difficulty in identifying any single case, and it is that which I consider justified me in giving those cases without the names, because I think there is a chance that the poor men will not suffer.

6098. Sir *Michael Hicks Beach.*] I think you said that there were about 100 persons who voted in 1868, but not in 1869?—There were 100 exactly.

6099. How many of those were dead or had left the county?—I should say not above half-a-dozen.

6100. Then, in fact, all but half-a-dozen were still on the register, and might have voted if they had chosen to do so?—Quite so; beyond that 100 people, all Liberals, there were 44 Conservatives who voted in November, but who did not vote in March, besides the 100.

6101. You have given two particular instances of tenants who have suffered by giving their votes; with regard to the tenant of the lime-kiln who voted against his landlord and was turned out, when the lime-kiln was re-let do you know what rent was given by the new tenant; was it a higher rent than before?—I believe there was no increase of rent given; I have here a letter from the tenant who was evicted with his own signature, in which he says, "I understand my late landlord gave out that he was to get 5*l.* per annum more rent, but I consider that carries a sham in its face, because if he had got a fraction more on the lordship over my offer, there would have been some consistency in the story;" the increased offer by the old tenant on the lordship, I think, was 1½*d.* a bushel.

6102. What was the original rent of the lime-kiln?—It was a lordship of so much per bushel.

6103. What

6103. What was the raising of 5 *l.* a year equivalent to?—That was what the landlord gave out, that he got a rise of 5 *l.* a year. The equivalent size on the lordship would be infinitesimal.

6104. Was there any allegation that the original tenant had not paid his rent regularly?—None whatever; he was a highly respectable man and a highly responsible man.

6105. It is usual, is it not, in Scotland, at the termination of a lease, to put up the tenancy to the highest bidder?—Very unusual.

6106. Was this limekiln let on lease, or was it a yearly tenancy?—I believe he was a yearly tenant; I have never heard a lease mentioned in connection with the case, but I see that, in his statement, he does not state positively whether he had a lease or not; at all events he had been there for 32 years.

6107. In the other case which you mentioned of the old man who had held a cottage for 31 years, had he paid the rent regularly?—Yes, regularly; he was a most respectable man.

6108. There was no allegation that he had not paid up his rent?—None whatever.

6109. Was it let at an increased rent?—I am not aware what the increased rent would be; but I believe he had the place at a smaller rent than would be got from the man who succeeded him.

6110. Did the new tenant pay a higher rent than the old one?—I believe the new tenant paid a higher rent; but the old man had received a verbal promise of a lease during his lifetime. He told me that he had asked his landlord for it three years ago, and that his landlord had shaken him by the hand, and told him, "You may remain as long as you live."

6111. You have mentioned several cases where the factors had brought pressure to bear upon the tenants. I did not quite understand whether in those cases the tenants had voted against the factors, or whether they had been persuaded to vote with them?—Some of those cases were those of tenants who voted Liberal in November and who did not vote in March; and others were cases of those who voted Liberal in November and voted Tory in March.

6112. And were there any cases of those who continued to vote Liberal in spite of the pressure?—There were. There was the case of those six or seven farmers on the one estate, whose leases had 10 or 12 years to run.

6113. Were there any cases of yearly tenants who voted Liberal notwithstanding the pressure?—No; noneof those were cases of yearly tenants.

6114. Were any of the cases which you have mentioned cases of yearly tenants?—I think not.

6115. In fact, they all had leases?—They all had leases for a shorter or a longer period.

6116. And they were only anxious as to what would happen at the termination of their leases?—Quite so.

6117. You stated, did you not, that a petition in favour of the ballot was signed by 6,000 persons?—By 5,703.

6118. How many were county electors out of that number?—I cannot say positively. I was unwell at the time, and I did not make an analysis. Had I not been unwell at the time, I would have made an analysis of those who were electors and of those who were not.

6119. Are you aware whether any of those whom you have instanced as being pressed by the landlord or factor signed that petition?—Yes; I am aware of some of them.

6120. Were they Liberals or Conservatives?—Both.

6121. You have spoken of the influence exercised by ministers of religion on both sides; are you aware of any cases where the members of Dissenting congregations were found fault with for voting for the Conservative candidate?—I am not aware of any such; of course, I must frankly say that I did not investigate any such cases; my investigation was entirely directed to the other side; but I am not aware of any, nor do I believe that any such cases existed.

6122 Were there many paid agents on the Liberal side in the county election?—There were not. There were 15 agents on the Conservative side and five on the Liberal side, there being six districts of the county, having each a polling place.

6123. Has the expenditure of the two candidates been returned?—Yes; yesterday was the last day for making the return. I cannot say the amount of the Conservative expenses, but I can give you an index from the last election. The expenses of the Conservative agent at the last election were 2,000 *l.*, and of the Liberal, 1,300 *l.*

6124. Was that the return to the returning officer?—Yes.

6125. Do you believe that that included the whole expense?—I believe in both cases it included the whole; we are in the habit of returning the whole expense.

6126. Did the Liberal candidate, at the last election in March 1869, make a return of his expenditure?—I made the return before I left home, and the amount was 1,245 *l.*; very nearly the same as at the former election.

6127. Mr. *Edward Egerton.*] Did I understand you to tell the Committee that in your opinion the difference of the result of the election upon the second occasion, was occasioned entirely by the undue influence of the landlords?—The difference was entirely caused by the undue influence of the landlords.

6128. You do not attribute it to any change of sentiment on the part of any of the electors?—Not at all. I have met with some cases: some men whom I went to said to me that they had had conversation with the factors, and that their views on the Irish Church had undergone a change; but, at the same time, they made statements to me which led me to understand that that was not the real cause.

6129. Did they say in what respect their opinions upon the Irish Church were changed?—No, they could not explain that.

6130. Had not the circumstance of Maynooth made any difference in their opinions?—None whatever; it had not then come up.

6131. The contents of the Irish Church Bill were known at the time of the second election, were they not?—Yes; but Sir Sydney Waterlow had pledged himself upon Mr. Aytoun's clause, so that both candidates were in the same position in that respect.

6132. Did you investigate any of those cases of the 100 men who voted in November and did not vote in March?—I investigated the greater part of them.

6133. By whom were you employed to investigate all those cases?—I was employed by the Liberal committee.

Mr. *J. H. McGowan.*

1 June 1869.

6134. Did I understand you to tell the honourable Member that you are a lawyer?—Yes, I am a lawyer.

6135. Do you mean to say that you never heard that any elector might present a petition against the return?—I know as a lawyer that he may do so.

6136. Did I understand you to say that you had not heard that an elector could petition for the seat?—That is what I said.

6137. How could you investigate the whole of those 100 cases; what time was occupied by you in doing it?—I had 10 days.

6138. Do you mean to tell the Committee that you went round and investigated every single one of those 100 cases?—No; I said that I investigated the larger part of the cases of intimidation in the 100.

6139. How were you able to tell which were intimidation and which were not out of those 100?—From information that I received.

6140. Was there any feeling on the part of the county at a perfect stranger coming in?—There was a great and universal feeling among the landlord portion of the constituency against any stranger coming.

6141. Did not that apply to any of the tenants as well as to the landlords?—I do not think that that feeling affected the tenants in the least.

6142. Mr. *Cross.*] You say that you found out between 40 and 50 cases of intimidation, although only two cases in which loss was suffered, which were the case of the lime-kiln and the old man?—Yes.

6143. One of the honourable Members asked you this question: How many of those 40 or 50 might have been turned out at once if the landlords had chosen to do so; but you did not answer that question?—I do not think there were any.

6144. How many might have been turned out if the landlords had chosen to do so?—I do not think there were any, because the leases were in existence.

6145. Do you mean to say that in all the other cases there were leases in existence?—I think there were.

6146. But you have investigated those cases carefully for the purpose of finding out undue influence on the part of the landlords; are you prepared to say that in every other case there was a lease?—I am not prepared to say that in every other case there was a lease, but I think there was.

6147. Do you mean to say that out of the 40 or 50, those were the only two cases in which there was not a lease?—No; I am not prepared to say that.

6148. In how many cases were there leases, and in how many not?—It was not a question that I put in every case whether there was a lease or not.

6149. In how many cases do you believe there were leases, and in how many cases do you believe there were not?—I believe they were nearly all cases of leases. I believe they were universally so.

6150. Excepting those two?—Excepting two.

6151. Do you mean to tell the Committee that those two were the only cases in which there were not leases?—I cannot say that; I can only state my belief. I did not ask the question.

6152. Do you mean to tell the Committee this: that you believe, having carefully investigated these cases, that those are the only two in which there were not leases?—My investigation was not as to whether there were leases or not.

6153. Are you prepared to say to the Committee that, in your belief, those are the only two cases in which there were not leases?—It is my belief certainly.

6154. You say that a great many bank agents and solicitors had received fees for the purpose of using their influence?—Yes, distinctly.

6155. How many do you think did so?—I know that, at the beginning of the contest, there were 12 lawyers who were sent retaining fees of five guineas each, and who were afterwards paid at the rate of 60, 80, and 100 guineas each.

6156. How many bank agents?—Those lawyers are generally bank agents; the country lawyers are generally bank agents.

6157. Do you mean to say that all of those 12 are also bank agents?—I believe the majority of them are.

6158. How many of them do you believe are bank agents?—I have made out a list of eight bank agents.

6159. Then the people that you speak of as bank agents were also lawyers?—Yes.

6160. Did those who were lawyers and those who were not lawyers all get exactly the same fee?—They were all lawyers.

6161. But did they all get exactly the same fee?—Not exactly; some of them got larger fees than others.

6162. I mean the lawyers who were also bank agents; did they get a larger fee than those who were simply lawyers?—I do not think that that entered largely in the question; they all got very much the same fee.

6163. They received the fees, practically, as lawyers, and they happened to be bank agents?—Yes, certainly; I do not mean to say that they were feed as bank agents, by no means; the banks would not have allowed it.

6164. You say that they got this money and did no work?—No, I do not say that they did no work; I only say that they did no work sufficient to justify so large an expenditure, and that they were paid for their influence more than for what they did.

6165. Did you ever make any inquiry from those factors, or from the landlords themselves, about those cases that you have spoken to us about to-day?—No.

6166. Have you ever asked for any explanation of the facts?—I have not.

6167. From none?—From none.

6168. You say that there were 44 people who voted on the Conservative side in November, and who did not vote on the Conservative side in March, and who did not vote at all?—Yes, that is so.

6169. Can you account for that fact in any way?—Yes, I account for it in this way. There were just about 44 of the 100 Liberals whom I could account for as having been kept away by legitimate causes.

6170. Then you believe that those 44 were kept away by legitimate causes?—Yes, I do.

6171. You do not believe that on the part of the Liberals there was the smallest attempt at intimidation with any of those 44?—I believe there was none at all.

6172. Perhaps you do not believe that there was the smallest attempt at intimidation on the Liberal

Liberal side at all?—I believe that intimidation on the Liberal side did not exist, because we had no landlord influence.

6173. I am not speaking of landlord influence, but of any other influence?—I do not know of any other influence.

6174. But you said that there was influence used by customers on the tradesmen on both sides?—I believe that there must have been.

6175. In your opinion, if I gather rightly from what you have said, you do not believe that that was undue influence?—No, it was not.

6176. Therefore a customer may use any influence he likes with his tradesmen, according to your notion?—No, I do not think so. I would not justify it. I do not pretend to justify the influence of customers on their tradesmen, because I go upon this principle, that any person who stands in such a relation to another should not use it. I am not prepared to justify it. I only say that it exists.

6177. I want to know what you meant by saying that this influence used by customers upon tradesmen was not undue influence?—I do not think it was such undue influence as was used by the landlords.

6178. You have been connected with elections in Scotland for some time, have you not?—For 12 years I have been connected with contests in the burghs.

6179. I believe that in Scotland there is very little bribery as a rule?—Very little.

6180. In fact, you told us that in Dumfries there was none either in the county or the burghs?—Literally none.

6181. Can you account for the fact in any way why we should have bribery in England in our boroughs, and why we should not have bribery in Scotland?—I think that the Scotch are more highly educated.

6182. I suppose that, although there may not be Conservatives and Liberals, yet for some reason or other party feeling runs just as high in the Scotch elections as in the English elections?—Perhaps fully as high or higher at times.

6183. You believe that the only difference between England and Scotland consists in the state of education amongst the lower class of people?—Yes, and in the higher influence of religious feeling in Scotland.

6184. Mr. *Bright.*] You have given the case of two persons who specially were injured by the course which they took at the election; is the result of one or two or a small number of cases considerable upon the general body of tenantry without inflicting punishment upon a large number?—There is no doubt that the effect of every case of eviction in a district is very serious upon other people in the same position in the district.

6185. Do you think that its influence would be to cause a good deal of apprehension about the time of the election, and to affect the course which others might take who may not be themselves injured?—It has that tendency.

6186. Was the question of the ballot at all discussed at either of the elections?—It was not discussed.

6187. Did Sir Sydney Waterlow in the statement which he made to the constituency declare himself in favour of the ballot at either of the elections?—He declared himself on both occasions in favour of the ballot.

6188. Was his opponent in favour of the ballot?—I think he said no; I know that he was not; but whether the question was put I cannot remember.

6189. Has the result of the election been to increase the feeling in favour of the ballot in the county?—Very materially.

6190. Have you any means of knowing whether it has obtained any support from the tenants or the voters who voted for the Tory candidate?—Yes; I believe that the tenant farmers who voted for the Tory candidate would prefer the ballot.

6191. I want to know whether the result of what has taken place at the two elections has generally influenced the opinions of the electors of both parties, with reference to the question of the ballot?—I believe it has; it has intensified the convictions of those who wished for the ballot before, and it has converted many who did not believe in it on both sides; I do not call them parties; I call them the supporters of the two candidates.

6192. Is it your opinion then that the adoption of the ballot would be felt as a great relief to the constituency generally?—An immense relief.

6193. With regard to the landed proprietors, are any of them, do you think, in favour of the ballot; I presume you have some Liberal proprietors there?—We have two large Liberal proprietors; the Member for the burghs and his brother; and I believe that the Member for the burghs has not declared for the ballot as yet.

6194. Mr. *Leatham.*] You mentioned, did you not, that you thought that there were six cases of intimidation that did not come to your knowledge to every one that did?—I should say there were.

6195. Did you find any difficulty in getting evidence of intimidation?—I had very great difficulty in getting evidence.

6196. Was one reason why you abandoned the petition that you felt that your witnesses would be afraid to give evidence before the judge?—Yes; and not only so, but that they would tone the thing down before the judge.

6197. Had the fear of a recriminatory case anything to do with the withdrawal of the petition?—None whatever. We considered ourselves perfectly pure.

6198. Sir *George Grey.*] Are there many non-resident county voters in Dumfriesshire?—I believe there are a good number.

Mr. Thomas Harris, called in; and Examined.

6199. Mr. *Leatham.*] Where do you reside?—I reside at Lechryd, in the county of Cardiganshire.

6200. Are you connected with any business or profession?—No.

6201. You are a gentleman of independent means, are you not?—Yes.

6202. Have you a good general knowledge of the counties of Carmarthen and Pembroke?—Yes; a general knowledge.

6203. Have

Mr. *T. Harris.*

1 June 1869.

6203. Have you much more than a general knowledge of the county of Cardigan?—Yes, a very intimate knowledge of it.

6204. Have you taken an active interest in the politics of that county?—Yes; I have for about 18 years.

6205. Have you bestowed much attention to the registration?—I have.

6206. But not as a paid agent in any sense?—No; I did it on my own accord.

6207. Has that brought you into frequent contact with the electors?—Naturally so.

6208. At the last election there was a contest, was there not, in Cardiganshire?—Yes, there was.

6209. Are the great bulk of the people in that county Nonconformists?—Yes; 80 per cent. are at least.

6210. Are most of the Nonconformists Liberals?—Nearly all.

6211. Is the population an intelligent one?—Very.

6212. And are the great majority of the landowners Conservatives?—Nearly all Conservatives.

6213. Was there much coercion used at the last election by the landowners?—Very much indeed.

6214. In what way was it applied?—In every possible way that we can imagine; the shopkeepers having their custom withdrawn, officers removed from offices, and notices to quit to tenants, and congregations even turned out of the rooms in which they had been worshipping.

6215. Are you in a position to give any examples?—Yes.

6216. Will you first give examples, not of tenants receiving notices to quit, but other cases of coercion?—In some cases tradesmen have lost their customers.

6217. Has that been to any considerable extent?—To a very great extent. It is understood that Conservatives have coalesced together to withdraw their custom from every Liberal voter.

6218. And have those threats been carried into effect?—They have.

6219. Have any persons who had offices been dispossessed of them?—Yes; and they have had their salaries reduced.

6220. What kind of offices?—Assistant overseers, for instance.

6221. And you attribute that entirely to political causes?—Yes, altogether.

6222. Have any Dissenting congregations been turned out of the room in which they used to worship?—Yes, in two cases.

6223. Now will you turn your attention to notices to quit, which you say were sent to tenants; how many of those notices were served in the county of Cardigan?—It is understood that about 200 have been served.

6224. Have you had any special means of knowing that those notices have been served?—Yes; I have visited several parts of the county.

6225. Have you seen any of the notices?—Yes, I have seen many of them.

6226. Did not you make it your special business to ascertain those facts?—I did.

6227. You went all over the county, did you not, in order to make yourself personally conversant with the facts?—I went over nearly the whole of the county.

6228. Have those notices been served by nearly all the Conservative landlords?—By very nearly all.

6229. Is it generally supposed that they have acted in concert?—Yes, it is believed so.

6230. Were the notices served before the election or afterwards?—Afterwards; on the rent-day, the 25th of March; the election having taken place in November.

6231. How many of those notices were to tenant farmers?—I have found out about 30 or 35.

6232. Did those men all vote for the Liberal candidate?—They did, or they remained neutral.

6233. Can you give the Committee any examples without mentioning names, so far in detail that the Committee may understand the specific cases?—I have here a letter written by a landlord, dated the 4th of September 1868: "Dear Sir, I have enclosed you your half-year's receipt for rent due the 25th March 1868, for which I am thankful to you. As there will be an election for Cardiganshire before Christmas I hope we shall vote the same side. We have been friends now for many years, and I hope we shall continue so." Another letter followed from the same person to the same tenant.

6234. Mr. *Bright.*] Had he received any letter in the interval from the tenant in answer to the first?—No.

6235. Mr. *Leatham.*] What is the date of the second letter?—This is dated in November last year, also previous to the election. "Dear Sir, I have received a letter from Cardigan informing me that you are wavering in your opinion which side you will give your vote at the coming election. My opinion is that every man who is living on the property of the Church is bound to support it, otherwise he is a traitor to it; and, as you and Mr. So-and-so and myself have now been friends for so many years I hope we shall continue so, and go to the poll and vote together, as I intend to be at the election."

6236. Did the man vote?—Yes, against his landlord's wish, and he had notice to quit afterwards.

6237. Have you got the notice to quit with you?—Yes, I have a copy of it.

6238. Will you read it?—"To Mr. So-and-so. I hereby give you notice to quit and deliver up to me on the twenty-ninth day of September next, or whenever after your current year shall end, the possession of the messuage, farm, land, and premises, with the appurtenances, which you hold under me as tenant thereof, and which are partly situate in the parish of So-and-so, in the county of Cardigan, and partly in the parish of So-and-so in the same county."

6239. What is the date of that notice?—That is dated the 20th day of March 1869.

6239*. Was there any communication between the landlord and his tenant except those which you have read?—None whatever.

6240. How long had that man and his family been on that farm?—Nineteen years.

6241. Mr. *Bright.*] Did he hold the farm from year to year?—He did.

6242. What did the landlord mean by saying that every man who is living on the property of the Church is bound to support it?—He is a clergyman and the rent of the farm is his stipend as a clergyman.

6243. Mr. *Leatham.*] Can you give the Committee another instance?—I have here a letter from the agent

agent of a landlord to one of the tenants. It is dated Friday, without any date: "Sir, I am given to understand that you and Mr. [ ] has been soliciting votes for Mr. [ ] among the [ ] tenants," (naming the estate); what business have you to interfere with the tenants on the [ ] estate, and I trust you won't do so again, but mind your own business; if not, I will mind you before the 24th of next March. I am now desired to tell you from Mr. [ ]" (the landlord), "that he expects you to vote at the coming election for his cousin Mr. [ ], and if you refuse to do so you will have to leave, and all others that refuse to vote according to Mr. [ ] wish.—Sir, yours truly," &c.

6244. Did the man vote?—Yes, he voted against his landlord, and he received notice to quit.

6245. Have you got the notice?—No, I have not got the notice with me, but I have seen it.

6246. Had that man been long on the property?—Yes, he had been there six years.

6247. Mr. *Cross.*] When you talk about the landlord, was this a gentleman with a large property or was he a small holder of land?—The last was the agent of a very large estate.

6248. But the first was a clergyman with a small glebe?—He had two farms, and both the tenants voted against him and received notice to quit.

6249. Mr. *Bright.*] When you say that the tenants voted against him, was that in the case of the clergyman or the landlord?—Against the clergymen who happened to be the landlord in the first case.

6250. And they both received notice to quit?—Yes, they both received notice to quit.

6251. Mr. *Leatham.*] Was the notice in the second case sent by the same person who wrote the letter that you have read?—Yes.

6252. Do you know of any more cases?—Yes, others have had conversations with their landlords, and I have had one of them as an instance attested by the tenant. The landlord asked him this: "Will you give your vote to Mr. Vaughan?" The tenant answers, "I do not intend voting for anyone; I intend being neuter. I am a quiet man." Then the landlord replies, "Then if you want to be a quiet man all your life, so far as I am concerned, give me your vote?" The tenant answers, "I cannot, sir." Then the landlord says, "Then you prefer Mr. Evan Richards to me?" meaning the Liberal candidate. The tenant answers, "You don't state the case fairly; it is not you and Mr. Richards, but Mr. Vaughan and Mr. Richards." The landlord says, "Is it not I that have given you your vote?" The tenant replies, "Yes, sir; but if you did not, may be I might have had it from some one else." The landlord says, "Well, you will not give me your vote?" The tenant says, "I cannot, sir." The landlord says, "Then John, you will have no vote again as my tenant." Then it is attested as follows: "I testify that the above is a correct statement of the conversation which took place between Mr. So-and-so and myself concerning my vote." Then follows the tenant's name.

6253. Mr. *Leatham.*] Did that man receive a notice?—Yes.

6254. Mr. *Bright.*] Did he remain neuter?—No, he voted against his landlord's wishes.

6255. He had told the landlord that he intended to remain neutral, and then he voted against his?—Yes, he came out at last and voted.

6256. Mr. *Leatham.*] Have you any more cases?—Yes, a great many.

6257. Do you know any cases of people who had been a long time on the property?—In one case the family had been 400 years on the estate, and that man has received a notice; and in another case they have been 200 years on the estate.

6258. *Chairman.*] Was it in those cases distinctly explained to the tenant that the notice to quit was in consequence of the vote which he had given?—Yes; and in the case of the tenant whose family had been on the estate 200 years, he applied to the agent for a farm after receiving the notice to quit, and the agent said, "No, inasmuch as you did not think it your duty to vote with your landlord, you must go to your friends for a farm."

6259. Mr. *Leatham.*] Do you remember any case where a man received notice to quit who had spent a large sum of money in improving the farm?—Yes, I have known several instances where they have laid out from 300*l.* to 400*l.* in improving the farms, and they have had no means of recovering it.

6260. The farms are not large, are they, in Wales?—Very small; the majority are about from 40 to 50 acres, I should say.

6261. Sir *George Grey.*] Have they no leases as a rule?—No leases as a rule.

6262. Mr. *Leatham.*] Is there anything like tenant right in Wales?—Nothing; it is very much wanted there.

6263. Sir *George Grey.*] Are there very frequent changes of tenants irrespective of elections?—No; in the county there has been no election for many years.

6264. But do the tenants often change their farms; that is to say, do the landlords frequently give notice to their tenants without reference to the elections?—No, except in cases where they had good reasons for so doing, but, as a rule, they prefer to keep the old tenants on.

6265. Mr. *Leatham.*] Are those merely illustrations of what takes place in that county?—Yes; I have many more which I might give.

6266. Are there any particular cases which you would like to mention?—I can give an instance where a man went to the expense of building all the farm buildings upon the farm, not excepting even the dwelling-house; the old dwelling-house he has as a lumber room now; and he has also had notice to quit, though he built it all at his own expense.

6267. In none of those instances, I suppose, is there any doubt as to the reason why the tenant received notice?—Not the least doubt; it is a matter of notoriety.

6268. Mr. *Bright.*] Are those cases which you have given us under two landlords?—No, they are under several. The case of 400 years that I mentioned, is under one landlord, and the 200 years is under another, and the clergyman is another case, and the person who built the dwellings is another case also.

6269. Mr. *Leatham.*] Are there any other cases of special importance which you remember?—Yes; there is the tenant of another landlord who laid out even last year for manure for one field 30*l.* and embanked a river, and he has had notice to quit, although he and his father had been on the estate for 30 years. Another case is that of another landlord, where the farm was forced, as we may say, upon the tenant to accept it at

Mr. *T. Harris.*
1 June 1869.

10*l.* a-year, but through his own improvements it is now worth 40*l.* a-year, which he has now to pay for it. At first it was only 10*l.* a-year, when he was induced to take it, and he has received notice to quit.

6270. Altogether are there 30 of those cases of tenant-farmers receiving notice to quit for political reasons?—Yes, fully 30.

6271. Mr. *Bright.*] With regard to those 30 cases, have you inquired into them all?—Yes, I know them personally.

6272. Have you either seen the notices, or have you had the exact statements from the tenants themselves?—Yes; in most cases I have seen the notices.

6273. Mr. *Cross.*] Have you ever spoken to the landlord or the agent in any of those cases, and asked for any explanation?—No.

6274. You have never attempted to do so?—Never.

6275. Mr. *Leatham.*] In fact, it is so notorious, is it not, in the neighbourhood, that you did not think that worth while?—It is understood that such is the case, and even tenants that have received notices are not allowed to see their landlords on the subject.

6276. Do you know any cases of cottagers that have received notice?—Yes, I have known cottagers receive notices, because some relatives of theirs supported the Liberal cause.

6277. Mr. *Bright.*] Have you had a contest before in Cardiganshire?—Yes, we had a contest in 1865; but that was between two Liberals; and in 1859 between two Conservatives.

6278. And was there after those elections any general notice like this?—No, the party was split up.

6279. Mr. *Leatham.*] Do you know of any tenants who voted for the Conservatives, and who received notices to quit?—Yes; because the landlord told them that he was troubled with them at the last election, because they would not vote as he wished them without being very much troubled.

6280. Was he a Liberal landlord?—No, a Tory; they were Liberals that voted Tory.

6281. He assigned that as a reason for giving them notice?—Yes; in fact, one of them wept before him when he brought him on to the poll to record his vote.

6282. Are nearly all the farmers in Wales tenants-at-will?—Nearly all.

6283. Have they any means of receiving compensation for improvements?—None whatever, as a rule; there may be exceptions. I have here a specimen of an agreement, which gives the tenant the benefit of improvements done during the last 12 months of his tenancy.

6284. It has been stated before this Committee that Dissenting ministers took a very active share in canvassing at the last election; was that so?—They did.

6285. Do you think that they used any undue influence?—No, I am not aware that they could do so.

6286. Mr. *Bright.*] They exercised no influence of property, I presume?—None whatever; they were much in the same circumstances as the other electors.

6287. Mr. *Leatham.*] Was there not a special reason why they should not use undue influence?—Yes; in the first place there was no necessity for undue influence, because they were all on the one side; in the second place, of course, they are themselves dependent upon their churches for their support; and in the next place, there is not a church in which, in some cases, the most influential members were not themselves obliged to vote against their own wishes.

6288. Mr. *Cross.*] Do you mean that a minister could not use undue influence?—I do not know that he has any power.

6289. Mr. *Bright.*] Did I understand you, in the last answer but one, to say that many influential members of the Dissenting churches were forced to vote contrary to their convictions by the fear of what might happen to them?—Yes; they were respectable tenant farmers.

6290. Mr. *Leatham.*] By influential members you mean persons who have influence in the congregation or in canvassing the borough?—Yes; or owing to their position as tenant farmers.

6291. It has been stated before this Committee that members of Dissenting churches have been expelled from their membership on account of their votes; is there any truth whatever in that?—No truth whatever; it cannot be done; the discipline does not rest with the minister, but with the church.

6292. Are there many estates in the county which have changed hands from Liberal owners to Conservative owners?—Several.

6293. Has that produced any change in the votes of the tenants?—It has completely changed the politics of the tenants.

6294. You mentioned an instance of a clergyman of the Established Church taking an active part in the election; was it customary, as a rule, for clergymen of the Established Church to take an active part at the last election?—Yes, a very active part.

6295. Did they canvass?—Yes, they did all that they could.

6296. Did they refer to political subjects in the pulpit?—I cannot say; I never attended their churches.

6297. Mr. *Brand.*] Can you say how many notices to quit are generally given in ordinary years in the county of Cardigan?—No, I cannot with any accuracy; they may average from 20 to 30 perhaps.

6298. Can you say how many have been given since the last general election?—I have found out about 100 myself, but it is understood that there have been about 200 given.

6299. The information which you have given to the Committee applies specially to the county of Cardigan, does it not?—Yes.

6300. Can you give us any information with regard to other parts of Wales?—Yes, in the county of Carmarthen the same system has been carried on.

6301. Can you mention any particular cases?—I have made inquiries myself as to voters in Carmarthenshire, bordering upon Cardiganshire.

6302. Have any tenants-at-will or tenants with leases had notice to quit?—Yes, tenants-at-will have.

6303. Can you specify any particular cases without naming the parties?—Yes; I have here a letter written by a landlord in reply to a requisition sent him by his tenants to be allowed liberty to vote as they thought proper, and it is dated the 20th November 1868.

6304. Mr. *Bright.*] Was that the date of the requisition of the tenants or the date of the answer?—That was the date of the answer.

6305. Do you know how many persons signed the requisition?—There were seven tenants, six of whom signed the memorial, and one happened to be absent at the time.

6306. And all tenants of one landlord, I presume?—Yes, all of one landlord.

6307. Mr. *Leatham.*] Will you read the reply of the landlord?—It runs thus: "I received a memorial yesterday by post with the names of my tenants in Carmarthenshire attached to it; yours being the first on the list I shall address my reply to you, and request you will make known its contents to those hereafter named; I cannot allow it to pass without remarking upon it, and first of all, I must express my surprise at your making any difficulty in complying with my request, conveyed by Mr. ——, who was authorized by me to ask you to vote with me for Messrs. So-and-So; as I am better acquainted with you, from seeing more of you, than I am with my other tenants, and from all you have professed for me, I feel surprised you should not have set a better example. Many, if not all my tenants, have lived with me for many years, and upon terms of confidence and good-will, and the continuance of such good understanding ought to be the aim, as long as the connection between landlords and tenants continues. The severance of such good feeling, I fear, is the object of teachers who mislead them. As I said before, it is not desirable that a breach of confidence should take place where none existed before. I rarely, if ever, asked you, or either of you, to do anything for me, and as circumstances, from time of life, may prevent my ever asking you again a similar request, and, as you well know my wishes, I certainly expect you will vote with me for those gentlemen. I am, your well-wisher, ——."

6308. Mr. *Brand.*] What followed upon that?—They all voted but one man with the landlord, and that man voted against him, and he has received notice to quit.

6309. Have you any further information to give the Committee with regard to the county of Carmarthen?—Yes; I have a printed list which has been got up showing the way in which every man voted during the last election.

6310. Before going to that, have you any other cases of undue influence on the part of landlords?—Yes; I know a tenant who has received notice to quit; he is the tenant of one of the largest landowners in the county of Carmarthen, and the agent told him that he had to quit his farm because he had voted at the last election.

6311. Have you that from the tenant himself?—Yes, from the tenant himself.

6312. Are there any other cases of notices being given within your own knowledge?—Yes, to my own knowledge; I have a list of half-a-dozen who have been served with notice by the same landlord, and in another instance a list of 15 persons served by another landlord.

6313. Mr. *Villiers.*] They do not refer to the vote, do they, in the notice?—No; it would not amount to a notice, I believe, if they did.

6314. Mr. *Brand.*] To the best of your belief were those notices so served in consequence of the votes given by the parties?—There is no question about it; it is well understood. In the case of one of the landlords he actually discharged a man without notice, a workman on the estate, because of the way in which he voted.

6315. Will you explain about that printed list which you mentioned just now?—It is a list published, I believe, by the Conservative agent, showing which way every man voted in the county of Carmarthen during the last election.

6316. Is there anything special in that list?—Only that it is issued by the Conservative agent, who is also the clerk of the peace.

6317. Does that show the whole of the poll?—No, that is only one district; they are printed separately, one for each district.

6318. Mr. *Bright.*] Has it been usual before to publish the mode in which every elector voted?—No, never.

6319. Mr. *Edward Egerton.*] Do you never publish a register of the poll?—Not showing how the men voted.

6320. Sir *George Grey.*] Are the farms generally small farms in Cardiganshire?—Yes, they are very small throughout Wales generally.

6321. Under 50 *l.* a-year?—Yes, the major part are under 50 *l.* a year.

6322. Were those tenants that you have spoken of upon whom this influence was exercised placed upon the register for the first time last year?—A great many of them were.

6323. They never exercised the franchise before?—No.

6324. Are they a more dependent class, and more subject to the influence which you have spoken of, than the larger class of farmers who were on the register before?—No; they are about as liable to the same influence as those above them, and those above them just the same as themselves.

6325. Are the larger farmers also without leases?—Yes, the larger farmers are also without lease.

6326. Are there no leases in Cardiganshire?—No, not as a rule.

6327. Mr. *Bright.*] Did you take any part in the election for the county of Cardigan?—I did.

6328. But not as a paid agent?—No.

6329. Are you a lawyer by profession?—No, I am merely an independent person, and I took an independent course at the election.

6330. Mr. *Leatham.*] Are you a guardian of the poor?—Yes, I am guardian for my parish.

6331. Mr. *Bright.*] Was the subject of the ballot discussed at the election at all?—No; at the last election the question was chiefly the Irish Church; but the ballot is strongly asked for in Wales generally.

6332. Is it not the fact that in your county the great bulk of the voters on the county list who are tenant occupiers of land are Dissenters in regard to church matters?—Yes; I may safely say four-fifths of them.

6333. On the other hand, are the landowners principally Churchmen?—They are Churchmen.

6334. With regard to this question of the Irish Church, were there particular reasons why the tenants found it difficult to vote with their landlords?—Yes, very; for of course, as Dissenters, they strongly object to any connection between Church and State.

6335. Can you tell at all what proportion of those Nonconformist tenants voted for the Conservative candidate; some of them did, I presume?—Yes, the major part of them.

6336. What was the result of the election; which way did the election go?—It turned in favour of the Liberals.

6337. How could it go in favour of the Liberals if the majority of the tenantry voted for the Conservatives?—We are fortunate enough in

Mr. *T. Harris.*

1 June 1869.

that county to have a very large number of freeholders and leaseholders of cottages.

6338. And they were more independent than the tenantry?—Yes, very much more; I have here a list of the number that voted in each district.

6339. Have you heard amongst the tenants who voted for the Conservative candidate any desire expressed in favour of the ballot?—Yes; it is the general wish there.

6340. And it would be felt to be a great relief throughout by the tenantry of the county if they could vote free from any influence from their landlord or his agent?—The greatest relief that could be given them, provided that it is accompanied by a clause abolishing canvassing.

6341. If they had the ballot, even with the present freedom of canvassing, would it be a relief?—There can be no question about it. I am positive that in that county not 500 Conservative votes could be recorded if they had their own will.

6342. What is the number of electors now?—On the last list there were 5,123

6343. And how many did the Conservative candidate poll?—1,918.

6344. Do you feel confident, from your knowledge of the county, that outof the 5,000 the Conservatives at the last election could not have polled more than 500 if you had the ballot?—I am positive of it.

6345. You think, then, that the system of open voting in that county tends to the suppression of the actual opinion of the constituency?—It does; there is no question about it.

6346. Would you say the same with regard to Carmarthenshire?—Exactly the same.

6347. Do you know the feeling minutely of any other county in Wales?—No; I have only a general knowledge of Carmarthenshire and Pembrokeshire; I am an elector of the county of Pembroke as well.

6348. How many counties do you vote for?—Two; Cardiganshire and Pembrokeshire.

6349. Sir *George Grey.*] Why do you wish to connect the abolition of canvassing with the ballot to make it effectual?—For this reason: a great portion of the pressure brought to bear upon the voters under the present system is to keep them at home and not to allow them to come to the polling booth.

6350. Do you think that if the canvassing went on notwithstanding the ballot, the voters would be required to promise to vote for particular candidates?—Yes; and I have no doubt they would vote against their promise.

6351. Then that would make the promise of no use?—No; they would believe that to act a lie would be more sinful than to tell a lie.

6352. Then, that would render canvassing very valueless, would it not?—Quite so.

6353. Mr. *Bright.*] Do you not think that the landowners and their agents, and all persons of property and influence would probably feel that if the tenants really could vote freely, it would not be their interest or their duty to endeavour to extort such a promise from them?—They ought to feel so.

6354. Is it your opinion that the adoption of the ballot would, of itself, tend very much to relieve the tenantry from that oppressive system of canvassing?—I have no doubt of it; they would never attempt canvassing.

6355. Mr. *Villiers.*] Is it not very usual in Wales for a tenant to vote for his landlord?—Yes, because they are compelled to.

6356. But, generally speaking, is there not a sort of attachment to the landlord which prompts them to vote for him?—No; they are as attached to their landlords as any tenants can be in ordinary things; but upon political questions they have strong convictions of their own, and it is with very great reluctance indeed that they go with their landlords.

6357. You have produced a document purporting to be a memorial on the part of some tenants to their landlord, to be allowed to vote as they liked; he refused to release them; but how did they vote actually?—They all voted with him, except one.

6358. Mr. *Bright.*] There were seven tenants and six voted?—Yes; the seven did not send the document, it was only six; one happened to be from home at the time.

6359. Did the six who had asked their landlord to be allowed to vote contrary to his opinion, when he would not give them that permission, vote with him?—Yes, except one; and the one that was absent voted with the landlord.

6360. Mr. *Villiers.*] You referred, did you not, to another case, where the landlord had changed, and the tenants had changed their opinions with the landlord?—Yes; they are obliged to vote with their landlord.

6361. So that it is very usual throughout Wales for tenants to vote with their landlord now?—It is the rule that the landlords bring down their tenants with them to the poll in carts, and everything else, just as if they were to drive a herd of sheep or anything else, and that extends to both parties; to the old Whig families as well. It is the practice of the proprietors. It is the rule of the landlords there to reckon how many tenants they have, and to promise their support.

6362. Did you ever hear that complained of by the tenants as a hardship?—Yes, a very great hardship; they even shed tears when they are brought down in that way.

6363. Mr. *Bright.*] Have you seen them shed tears?—Yes, I have seen it myself.

6364. Mr. *Villiers.*] You tell us that they are tenants-at-will, and that some of them, or their families, have been holding on for three or four centuries; do you suppose that upon all occasions they have voted with their landlords?—We have been very stagnant in politics in Wales; it is only within the last few years that we have come to feel a little more interest in the subject.

6365. Would you say that it is as usual for the tenants to be turned out if they do not vote with the landlord, as it is usual for the tenant to vote with the landlord?—In the adjoining counties the system has been carried on for many years.

6366. But is it usual for a man to be turned out if he ever does exercise his own opinion freely?—It is usual; there may be exceptions; I know three or four cases in Cardiganshire of Non-Conservative landlords who have not served their tenants with notices.

6367. And those are persons who have had their tenants voting against them?—Yes.

6368. Is it considered a hardship that they do not get leases, or that they can be turned out so easily after making improvements?—Yes, they consider it a very great hardship, and they wish very much that some kind of tenant right should be established.

6369. Is that a subject which has been much canvassed in Wales?—It has been much felt by the tenant-farmers.

6370. In this case the feeling became more intense,

tense, did it not, because it was a religious matter which was at issue?—Just so.

6371. Had you ever known such an exercise of influence before?—No, not to the same extent.

6372. And you have no doubt that it would be repeated again, supposing there were to be another Church question raised?—I believe that this system has been adopted in order to strike terror into the people more than to actually eject them.

6373. But their feeling about the Irish Church was from their dislike to the connection of Church and State?—Yes.

6374. And upon any such question as that, they would claim to be independent again?—Most likely.

6375. And most probably they would share the same fate as now?—Yes; and, even if the question of the ballot were raised, they would be equally vehement in their feelings.

6376. I judge from what you say, that the proprietors are against the ballot?—Yes.

6377. Would their influence be weakened by it?—Yes.

6378. You do not think that there is any inherent attachment to the proprietor that would induce men to vote for him if you had the ballot?—Not at all; they would do everything as tenants to oblige their landlords, provided they are not called upon to sacrifice their principles. As an instance of that, I have a letter written by one of the tenants to his landlord, just after receiving notice to quit; in which he says, that he had always been ready to serve his landlord on all occasions, and that he had to sacrifice a great deal in order to carry out his landlord's wishes in things connected with the farm.

6379. Is it the case, generally speaking, not alluding to politics, that there is a good feeling between tenant and landlord?—Yes, a very good feeling.

6380. Do you believe that a landlord would turn out a tenant who had improved the estate, simply because he objected to pay a higher rent?—Some have been guilty of that, but as a rule they would not do it.

6381. Generally speaking, they and their families remain a long time in occupation of the same land?—Yes, they do.

6382. But they claim to be independent in their political opinions?—Yes.

6383. And at present you cannot make any suggestion for securing this independence except by giving them vote by ballot?—Nothing whatever.

6384. Mr. *Hardy.*] Cardiganshire has not had many contests, has it?—There have been several.

6385. Lately have they been?—Yes; we had a contest in 1865 and a contest in 1859.

6386. But has it had a Liberal representative for a long time?—Since 1865.

6387. But not before that?—No, not before that.

6388. Are there many Liberal proprietors in Cardiganshire?—Very few.

6389. I suppose their tenants do vote pretty much with them?—Yes, as a rule they do; the number of notices that have been served represent the number of those who either voted against their landlords or remained neutral.

6390. Sir *Frederick Heygate.*] Did you take much time to discover those cases which you have referred to?—Yes; I was engaged about it nearly a fortnight, but of course I was not constantly on.

6391. You have bestowed a good deal of consideration on the subject?—Yes, I have.

6392. Did you ever ask any of those tenants if they had any other reasons for receiving notice?—No; in many instances they told me that they were given to understand by the landlord or the agent that it was on account of their votes.

6393. You believe that those notices were solely given on account of political motives?—Unquestionably.

6394. Mr. *Edward Egerton.*] Was it the state of education in Cardiganshire; do they speak English?—Yes, the education is pretty good as a whole; they can make themselves understood in English.

6395. But as a general rule they speak Welsh?—Yes.

6396. Their farms are in a very primitive state, are they not; nearly all mountain?—Yes, it is nearly all mountain.

6397. There is no arable farming, is there, in Cardiganshire?—Not very much.

6398. Are any of those landlords making improvements in their estates and trying to get a better class of tenants?—Not at all.

6399. Then you think that those evictions are caused by the landlords merely for the purpose of avenging themselves on the voters?—Yes, to strike terror into them.

6400. And not with a view of improving their property?—Not a bit.

6401. Mr. *Cross.*] Do you think that the ballot would put a stop to all this?—I believe the result would be such as to render a contest there altogether out of the question.

6402. How do you think that the ballot would put a stop to intimidation?—There would be a certain number of course of Conservative votes given, but it would be very difficult to make out who gave them.

6403. Did I rightly understand you to say that if a man says that he is going to vote for one candidate he still would rather tell a lie than vote against his conscience after all?—Yes.

6404. Supposing that a landlord asked his tenant after the election how he voted would he tell him a lie then?—I have no doubt that he would do so in order to keep his farm.

6405. I am afraid that the state of morality is not very high in the Principality?—The state of morality is this, that they prefer doing what is right.

6406. At all events you think that a man would tell a lie and say he voted for one candidate when he had voted for another?—My belief is this, that the result would be such as would make it altogether out of the question for any landlord to make any inquiry about it.

6407. Mr. *Edward Egerton.*] At the last election, as you say, a religious question was at issue; but do they take an interest in general politics in Wales, apart from religion?—Politics now are studied pretty well in the country.

6408. Do you think that a tenant would be likely to follow the opinions of his landlord on general questions of politics?—No, I think not.

6409. Do you believe that he would think as much for himself upon other subjects as upon religious questions?—Yes.

Mr. George William Latham, called in; and Examined.

Mr. *G. W. Latham.*

2 June 1869.

6410. *Chairman.*] You live at Bradwall Hall, in Cheshire, do you not?—Yes.

6411. Are you a magistrate?—Yes, I am a magistrate for the county.

6412. In what division?—In Mid Cheshire.

6413. Did you take any part in the last election?—I was chairman of Mr. Warren's central committee.

6414. Were there any peculiar circumstances in that contest?—That division of Cheshire, perhaps, is one of the few Parliamentary divisions that has no Parliamentary borough within it. There were a certain number of moderate-sized towns, Congleton, Sandbach, Northwich, Runcorn, and the suburbs of Manchester called Altrincham and Bowdon, which practically were a town, but yet every person within them had a vote for the county; Parliamentary boroughs did not take away any of the county votes. I may say, too, from my own experience, that at least nine-tenths of the farmers in Cheshire are Dissenters of some sort or another; that is to say, almost every farmer goes to chapel; if he comes to church once a day, he goes to chapel the other part of the day.

6415. In the hands of which party is the land mainly?—With the exception of one large estate, and two or three moderate sized ones, and one large estate which is neutral, every acre, I think, of the land in Mid-Cheshire was in the hands of the Conservative party at the last election.

6416. Did you ascertain, in the course of your canvass, what were the political opinions of those dissenting farmers?—They almost all of them to a man signed a requisition to Mr. Warren to stand. On the very large estates they did not; but on the small estates, and on the non-resident estates, the tenant farmers signed a requisition to Mr. Warren.

6417. Did you find that the dissenting farmers in general voted for the Liberal candidates?—The dissenting farmers, to a large extent, voted for the Conservative candidates.

6418. And many even of those who had signed the requisition?—Yes; I went a few days after the election through the canvass-books, and the poll-books, and I found that nearly 400 men who were pledged to vote for the Liberal side had voted for the Conservative side, and every one of those men was a tenant on an estate. In the towns we polled more than our pledges.

6419. Do you believe that this arises from direct orders or threats on the part of the landlords?—Not the least. I do not believe that a Conservative landlord dares to brave public opinion and to turn off his tenant; but he allows his agent to go to the tenant, and he allows him to say how much it would please the landlord, if the tenant voted in a certain way, and gives hints that if the tenant does not vote as his landlord wishes, all sorts of petty indulgences, in the shape of small repairs, additional gates, and perhaps a little time to pay his rent, will be withdrawn, and the landlord, except in very few instances, has not the straightforwardness to say, "You may vote as you please." He stands by and lets the agent hint all those things.

6420. Does not it sometimes occur that even if the landlord does say that the tenant may vote as he pleases, the tenant prefers being on the right side with his landlord, and votes to oblige him?—I should think so; but I may give an instance; and I think it is an instance which I may mention by name, because it was very creditable to the Conservative landlord who did so. On Mr. Lloyd's estate at Minshull I know that all the tenants are a very superior class of tenants, and they are every one of them Dissenters, but I found in canvassing that I could make no impression on them; they would not promise their votes; and they would not help us to canvass. About four days before the election Mr. Lewis Lloyd issued a circular to his tenants in which he said that, in consequence of the representations which had been made to him to induce him to influence the votes of his tenants, he wished it to be understood that his tenants were at liberty to vote according to their consciences. The moment the circular reached the tenants they all pledged themselves to vote, and for the three days before the election they canvassed for us, and Mr. Lloyd himself came down to vote, and was driven from the station to the polling booth by one of his own tenants, wearing the Liberal colours, he voting the Conservative side; but until that leave had been given there was not a single one of those men who would either pledge his vote or canvass for us.

6421. Do you know any instances where the contrary result followed the refusal of the landlord to make any such declaration?—There was an instance of an estate near me, the Wheelock estate. I had a correspondence with Mr. Ackers on the subject, and therefore I do not see that there is the least harm in mentioning his name. The tenants of his estate had every one signed the requisition to Mr. Warren; it is an estate, I think, of 12 or 14 tenants. They happened nearly every one of them to be cousins of the others; they all attend the same Nonconformist place of worship; they had all signed the requisition, and they had all pledged themselves to vote on the canvass some time before the election. I heard that the sub-agent of Mr. Ackers sent to those tenants to ask them to vote for the Conservative party, and I wrote to Mr. Ackers, saying that I was quite certain, from my knowledge of him, that he would not wish to influence his tenants, and I asked him to let the tenants know that he did not wish to influence them against their convictions. He wrote back, saying that he had seen the sub-agent, and he utterly denied having had any communication of that sort with the tenants. I went over myself and saw the tenants, and they all gave me an account of the conversation, and what the sub-agent had said to them, namely, that it was Mr. Ackers's wish that they should vote, and that those who did not vote for the Conservatives would be turned off their farms. I reported that conversation to Mr. Ackers, and I asked him, as a servant of his had used his name, as he told me, against his wishes, and made the tenants believe that it was Mr. Ackers's wish that they should vote for the Conservative party, that he would under those peculiar circumstances of the case, let the tenants know that they might vote as they liked. To that letter I got no answer, and every one of those tenants voted for the Conservative candidates, they having both signed the requisition and promised to vote for Mr. Warren.

6422. Do you know of any case in which the question

question was asked whether the tenants might vote as they pleased?—It was on that same estate. The rent dinner happened a short time after this correspondence, and a few days before the election the head agent came down, and one of the tenants put the question to the head agent, "Supposing we were to vote, what would happen?" And he said, "That is a question which I have no authority to answer."

6423. In any cases did the land agents or persons immediately connected with them act as agents of either political side?—I know one case in which a father and his two sons were all employed in the estate office; the two sons acted as paid canvassers, the father was a member of the central committee, and every tenant of that estate, I need hardly say, voted for the Conservative party with the exception of one or two men.

6424. Did the landlords there generally decline to give any assurance to their tenants that they might vote as they pleased?—Universally, I think, with the exception of Mr. Lloyd and Lord De Tabley, who, immediately his son stood, issued a circular begging his tenants to vote as they pleased.

6425. Are you aware whether there was any reason ever given for declining to issue such a circular?—Mr. William Brooks has large estates near Manchester, at Altrincham, Carrington, Partington, Sale, and several other townships, which he had bought, I think, from Lord Stamford. I heard that his tenants refused to give any pledge or to vote for us, having most of them signed a requisition to Mr. Warren, but they refused on the canvass to vote until he had issued a circular. I therefore wrote to Mr. Brooks and asked him to issue such a circular, and he said that he should just as soon think of turning a tenant off for voting against his landlord's principles, as he should expect the tenant to leave because Mr. Brooks' politics were different from his. However, Mr. Brooks did nominate on the hustings Mr. Cornwall Legh, I think, and the result was, that, with perhaps one or two exceptions (I will not be sure of every tenant), a very large number voted for the Conservative candidates.

6426. Mr. *Bright.*] Even of those who had signed the requisition to Mr. Warren?—Yes.

6427. *Chairman.*] In your opinion, was such a case as that the result of a dread of the consequences or of attachment to the landlord?—There could hardly be much attachment between a person who has bought an estate only two or three years ago and the tenants. It is a sort of fear that the tenant has; the Cheshire farmer is not a rich man, and he is always wanting repairs done; and it is an idea that, except he does just what the landlord pleases, his landlord will not please him in return.

6428. Sir *George Grey.*] Have they leases?—Very exceptionally indeed.

6429. *Chairman.*] Has any case come under your notice in which coercion in a more gross form was practised?—I have known this case. A tenant who himself had saved a certain sum of money bought a farm; it is not only his own vote, but he is in the capacity of being the landlord of a small farm himself; some one came to him and hinted to him that except his vote and the vote of his tenant was given to the Conservative party, he should lose his farm. The man had saved money and he was firm. He said, "I have signed a requisition to Mr. Warren, and, as far as I am concerned, I shall vote for Mr. Warren." This man's mother, being a widow, holds a farm under another Conservative landlord, and two or three days before the election it was intimated to him that except he voted, and except he influenced his tenant to vote, for the Conservative party, his mother would lose her farm too. He said, "I cannot have the old woman turned out at her time of life," and he voted for the Conservatives.

6430. Mr. *Bright.*] Do you know enough of that case, from having seen this tenant, or seen the old woman, to be able to state that you positively believe that that is a true case?—I can say that that is a perfectly true case. I do not at all say that the landlord was the man who threatened, but it was threatened by some one who represented he had authority, and the tenant believed it.

6431. *Chairman.*] Have you ever known a case where it is made a matter of bargain between the landlord and the tenant as to how he votes?—I have had a very amusing account of a long bargain between a landlord and a tenant, in which the result was that the tenant was allowed to split his vote, but it took two or three interviews before they could agree upon it. The tenant was a hard-headed Scotchman who had been imported into Cheshire, and he thought that he had a right to vote as he liked; the landlord thought that he had a right to influence his vote, and they ultimately came to the conclusion that he should give one vote to the Conservative party and one to the Liberal party.

6432. Mr. *Bright.*] Have you known any cases in which widows have been obliged to give up their farms in order that the successors might be persons who could vote?—No, I have not; I do not think that at the last election that would have had any weight at all, because there would not have been time to get them on the register; but I may say that that will be the case, as I know, not only on the Conservative side but on the Liberal side, because in everything that I have said about coercion I quite believe that if there had been as much land in the hands of Liberal landlords as in the hands of Conservatives there would have been equal coercion. I do not believe it is a question of politics, I believe that it is a question of the possession of land. The moment a man gets an estate he thinks that the votes on that estate belong to him.

6433. Mr. *Edward Egerton.*] I do not understand you to come here to-day to make charges on the one side or the other?—Not the least; I believe it is an evil of having property that a man considers that he not only owns this property himself, but that he owns the souls of his tenants, and I confess to a certain extent that personally I have that feeling, I should be even afraid I should be very indignant if my tenant voted against my wishes.

6434. *Chairman.*] Is it your opinion that the agents did not take any means to contradict the impression that the tenant was bound to vote according to the landlord's wishes?—Certainly not; the great object of the agent was to keep up that impression.

6435. Do you know of any case where an estate was in Chancery, or belonged to a minor?—Yes; and that is rather a good illustration of what I say, that it is the small indulgences that induced the men to vote. There is an estate in

Mr. *G. W. Latham.*

1 June 1869.

Cheshire of which one of the trustees is brother of a gentleman who was very well known at one time to members of this House, Mr. Coppock, the electioneering agent; the one trustee, Mr. Henry Coppock, of Stockport, resides some 20 miles from the estate, and the other trustee is a gentleman living close to it. The tenants all met together, and Mr. Coppock addressed them, and he assured them that no tenant should suffer for voting according to his conscience. I may say that every one of the tenants had signed the requisition to Mr. Warren, and Mr Henry Coppock having given that assurance went away. The managing trustee, as I said before, is a gentleman who lives close to the estate, and when the polling came on every one of the tenants, notwithstanding they had signed the requisition to Mr. Warren, voted for the Conservatives, with one exception, and he was neutral, and that was after a direct assurance that they should not be disturbed in their farms.

6436. Mr. *Bright.*] Was the other trustee of Conservative politics?—Yes, the other trustee was a Conservative.

6437. *Chairman.*] Probably those tenants may not have felt absolutely certain that they would not be ejected?—They were perfectly certain that they would not be ejected, because I heard Mr. Coppock give them the assurance.

6438. But it was rather from the hope of receiving favours or from fear, was it not, that they voted as they did?—It is the hope of receiving favours; it is a sort of bargain, "I will do what pleases you if you will do what pleases me."

6439. I think you said that after the election you made an analysis of the canvass book?—Yes, I went through the poll books.

6440. How many voters pledged to Mr. Warren did you find unfaithful?—Very nearly 400; above 350.

6441. Mr. *Edward Egerton.*] What was the majority?—The majority, I think, was between 500 and 600; I do not think it quite reached 600.

6442. *Chairman.*] Between 400 or 500 had not voted or had turned round?—Very nearly 400 had turned round after being pledged to us; not who had signed the requisition (for one knows that a great many people sign requisitions very carelessly indeed) but men who had absolutely on the canvass promised us their votes.

6443. Mr. *Bright.*] Were there any neutral who had also promised?—Not very many.

6444. *Chairman.*] Then had most of them actually turned round?—Yes, most of them actually turned round.

6445. What were the majority of them?—They were farmers on the large estates.

6446. Mr. *Bright.*] Was the canvass such as to lead you to expect that you would win?—Yes.

6447. And if your pledges had been carried out, what would have been the result of the election?—If our pledges had been carried out we should have been in a majority of about 180, or something of that sort.

6448. *Chairman.*] Did you find that in other cases except in those large estates, your canvass had been correct?—In the towns we polled more than our promises, all through.

6449. How was the canvassing conducted?—We had paid agents in the Altrincham and Bowdon district, but with that exception all the rest of the canvass was done by amateurs, and done honestly, I believe. A man was not paid by results; that system was not carried out, and I believe that they tried to give us the truest account that they could.

6450. You do not think that they put down on their books the names of voters unless they had actually ascertained that they intended to vote for you?—I cannot see any reason why they should at all.

6451. Do you think that the small tenant farmers, or tenant farmers in general, care much about politics in Cheshire?—I do not think they care the least about politics as a rule. I am sorry to say that the small Cheshire farmer is worse educated, most probably, than his labourer; he has been too big a man to go to the national school, where his labourer has been, and he cares very little about politics, and he hardly reads a word of political or polemical controversy, and therefore his interest in politics is not like that of the Scotch or the Welsh; he has no very strong feeling one way or the other, and he is quite willing to vote as his landlord wishes him to do.

6452. But in this case, owing to the fact of many of them being Dissenters, they had some wish on the subject?—Yes, they had some wish on the Church question. Perhaps even stronger wishes on the question of local taxation and the game laws.

6453. In your opinion, even in this absence of interest in politics, is it an evil that the landlord influence, which you have referred to, should be used?—It is an evil in this way, I think: A man goes to market, and he gets laughed at and chaffed by his neighbours, and they say, "What, are you a Tory? You were a Whig, and now you are a Tory because your landlord made you vote that way;" and in order to assert his freedom he becomes a more unreasoning politician, and therefore a more difficult man to deal with than he would have been if he had been a free man. The landlord makes him vote as he wishes, upon which he immediately takes up a strong line of his own, and becomes a bitter politician. He has not been educated to it, and he becomes an unreasoning politician.

6454. I think you have already mentioned that you have no reason to believe that those practices are confined to the one side or the other?—No; I am sorry to say that I know one or two cases of small estates on the Liberal side in which there was a certain attempt at coercion. The moment I heard of it I did what I could to stop it; but, as I said before, I believe that the moment a man possesses land, he thinks that the votes on the estates are his own.

6455. Did you find that there was much influence of any other description brought to bear?—There was a great deal of influence of customers on tradesmen, and a certain amount of preaching to congregations; but I do not know whether it had much influence.

6456. Mr. *Edward Egerton.*] There was not much preaching in favour of the Conservatives, was there?—If you wish for an instance I can tell you that the Archdeacon of Chester preached a sermon the day before the poll, in which he said that the poll-books would all be opened on the Day of Judgment.

6457. Mr. *Bright.*] That was reported, was it not?—It was reported; influence was also brought to bear in this way; it happened to be about Christmas time; there was great influence used throughout

throughout the poor villages in Cheshire in respect of clothing clubs; the clergymen had got a good deal of money which the poor people had saved during the year to lay out in Christmas clothing clubs, and it happened that just before the election that money had to be laid out, and it was only laid out in Conservative shops.

6458. *Chairman.*] Do not customers, whichever side they take, as a rule, exert what influence they have upon the tradesmen that they employ?—I think they might have done, but it is very hard to say where a customer's influence begins and where it should end; but the flagrant cases which came before me were cases in which money had been subscribed, 20 *l.* or 30 *l.* or 40 *l.*, for the purposes of clothing clubs, in which it had all to be laid out in a bulk. I know a case in which a neighbour of mine who had got, I think, 70 *l.* subscribed by different people of different politics of his parish, came over to a shop, and he gave the order for the Christmas clothing things; he went out of the shop and asked the question, and found that the shopkeeper was not of the right way of thinking, upon which he came back to the shop and revoked the order, and took it to the next door where the shopkeeper happened to be his own way of thinking; and that was carried out by clergymen and clergymen's wives all through the county.

6459. Is it not the case that every kind of influence that can be brought to bear upon the voters is brought to bear?—Yes, every kind.

6460. Are not inquiries made as to who has influence over So-and-so?—If a man refused to pledge his vote, the first thing one always did, and I did it myself in canvassing, was to try to find somebody who had influence over him; and I am afraid that we were not very particular as to whether it was a right influence or a wrong influence.

6461. What is the remedy which in your opinion should be applied to this state of things?—The ballot is the only possible remedy that I can see. Of course you may diminish the expense of elections in other ways, but the only remedy for coercion can be the ballot.

6462. Have you always been of that opinion?—No. When I began to act as chairman for the Liberal committee, I was a disciple of Mr. John Stuart Mill, and I believed that the ballot was an evil, and I still think it an evil; but I think it to be a necessary evil, and much the less evil of the two. I should like people to vote openly; but, to state a paradox, my hope is that the use of the ballot will do away with the necessity of the ballot. I think that the moment we get the ballot, everybody will feel that influence will merely be thrown away, and therefore they will let people vote according to their own wishes; and, therefore, when we get the ballot, there will be no lying, and no concealment of the vote; but every man will declare his vote, and no influence will be attempted to be brought upon him.

6463. Do you think that the extension of the franchise has brought about a greater necessity for the ballot?—I think so. I think that supposing you did not give the ballot as far as regards the 12 *l.* tenants, it might merely amount to giving the landlord a dual, or treble, or 20 times vote. That class of tenant will always vote with his landlord.

6464. Have you taken any part in former elections in Cheshire?—We have not had an election, I think, for 27 years in one division, and for 25 years in the other; there has never been one since I have been in the county.

6465. You have been acquainted, have you not, with the old voters and with the new voters?—Yes.

6466. Should you say that the new voters are a more dependent class than the old ones?—Hardly so. Of course there are some farms in Cheshire in which the tenants are pretty independent, men paying a rent of 500 *l.* or 600 *l.* a year; but, as a rule, in our part of Mid-Cheshire the farms do not go above 250 *l.* or 300 *l.*

6467. Are there a considerable number of freeholders?—Yes, there are a considerable number of freeholders, and they are quite independent.

6468. So that the great addition which has been recently made, has chiefly been an addition of voters of the dependent class?—Yes; and an important addition to the landlord influence in the county.

6469. Mr. *Bright.*] You said, did you not, that with regard to the town voters you polled all your canvass?—We polled more than we had on our canvass books.

6470. With regard to the freeholders, how did you succeed?—The freeholders were principally town voters. Now and then you find two or three odd freeholders in a township, but as a rule the township all belongs to one man.

6471. Mr. *Gathorne Hardy.*] You had a great many 12 *l.* tenants in those boroughs, had you not?—Yes; a great many in the municipal borough of Congleton, and a certain number in Sandbach, Middlewich, and Northwich, and a very great number in Altrincham and Bowden which, as I said before, is simply a suburb of the rich Manchester manufacturers' houses, rented at from 700 *l.* and downwards.

6472. Mr. *Bright.*] Including all those, you polled your canvass?—Yes; including all those we polled our canvass.

6473. Who was Mr. Egerton, who was one of the Conservative candidates? — Son of Lord Egerton, of Tatton.

6474. I think you said that Mr. Warren's father issued a circular requesting his tenants to exercise their freedom of election?—He did.

6475. Did any of them vote for the Conservative candidate?—Three or four did.

6476. Is Mr. Egerton's father a proprietor in the division?—A very large proprietor.

6477. Did he issue any such circular?—He did not.

6478. Did any of Lord Egerton's tenants vote for the Liberal candidate?—I do not think that any tenant of Lord Egerton's, that is to say, any agricultural tenant, voted for the Liberal candidate, except once, and he was at the time under notice to quit.

6479. Mr. *Edward Egerton.*] You had full permission to canvass his tenants, had you not?—I never asked any landlord's permission to canvass his tenants.

6480. Did you ever hear of any landlord stopping a canvasser?—Yes, I did. A landlord in Cheshire told one of our canvassers that he was to keep off his manor; but that was not Lord Egerton.

6481. *Chairman.*] Have you any other suggestions to make with reference to elections?—I should like to do away with nominations; they are simple noise and folly. I should like to stop the opening of public-houses on the day of the poll;

Mr. *G. W. Latham.*

1 June 1869.

poll; that simply is an excuse for eating and drinking; and I should like to say that all meetings during the canvass should be held at places not public-houses. I am quite certain that a great deal of harm is done, and a great deal of expense is incurred by those meetings at public-houses.

6482. At small places in country districts can any other buildings be found of suitable size?—Wherever there is a centre of population there is a school, I think.

6483. But it would not always be given to either candidate, would it?—No; but I think that a school is a public place, and as long as a candidate does not talk blasphemy or indecency there could be no harm in a candidate explaining his political views in a school-room; a school-room is a place of education.

6484. As to the conveyance of voters, what opinion have you formed upon that subject?—I think, with regard to the conveyance of voters, with the exception of men living out of the district, who might be brought to the nearest railway station, I should do away with it entirely; it is simply a cause of expense to the candidates. Almost every farmer has got a conveyance of his own. My belief is this, that every legal item of expense that you allow you open the flood gates wider to let out illegal expenses; and if you could contract what expenses are legal within one or two items, such as printing, agents' fees, and advertising, you would almost stop a vast amount of illegal expenditure of money.

6485. Would not it be necessary, if you did away with the conveyance of voters, to increase the number of polling places?—That might be so.

6486. The distances are still considerable, are they not?—Yes; but I presume the Committee are aware that in almost all counties, certainly in Mid Cheshire, we have increased the number of polling places largely since the last Act was passed. I do not think there is, at the present time, any polling place to which voters would have to go more than five miles to give his vote.

6487. But that distance would be beyond reach of an infirm or a sick man, would it not?—If a man is infirm and he wants to vote, he has always a neighbour who has got some vehicle to lend him. I myself know, from experience, the enormous cost of vehicles, and I found it perfectly unnecessary to the Liberal side the last time.

6488. Do you think you could stop paid canvassing?—I hope so. I do not think it is wanted. We had two paid canvassers last time for the Altrincham district, and I do not think they did us the least good; they were rather an encumbrance; they felt themselves bound to show that they had done a certain amount of work, and we found that we never could trust them.

6489. Were the expenses of the contest heavy?—It cost us under 3,500 *l.* for one candidate; I do not know whether you call that heavy or light.

6490. Mr. *Bright.*] What did it cost the other side?—On the other side the two candidates coalesced, and they published 7,000 *l.*; I have no evidence as to what more it cost them.

6491. Was it exactly 7,000 *l.*?—I know it was 7,000 *l.* or 7,200 *l.*, whereas it cost us 3,500 *l.*; our published expenses were 3,100 *l.*, and there was about 400 *l.* more that did not go through the agent's hands but was spent by local committees; I believe 3,500 *l.* covered every farthing that we spent.

6492. *Chairman.*] Did you find any class of the constituency who were looking out for money?—In one borough, in the borough of Congleton, where there had been very active municipal fights for a long series of years we did. We found that the small freeholders who happened to be on the burgess roll expected to get either money or drink for their votes. I believe there were a good many of that class. I do not know much about Congleton myself, as I live seven or eight miles from it, but I know there has been active borough fighting there for many years, and I know that voters there absolutely refused to vote without receiving something. They expected to get either money or drink.

6493. In no other part of the constituency did you find any desire to receive a bribe?—In no other part.

6494. Mr. *Edward Egerton.*] Who got up this requisition to Mr. Warren?—I am afraid I had as much hand in it as anybody.

6495. I know you will answer me frankly; was there any gentleman connected with the county, any landed proprietor, whose name was on that requisition?—Would you be kind enough to define what you mean by gentlemen of the county; whether you mean men of so many descents or men who had got land there?

6496. Gentlemen connected with land in the county?—Yes, there were.

6497. You say that you find a great many of those who signed the requisition did not vote for Mr. Warren; are you not aware that a great many men who signed that requisition did not know in the least what they were doing, and afterwards said so?—I am not aware of that at all; it was a requisition in the usual form, about three sentences, and I cannot conceive of anybody not understanding what that requisition meant; I think it is very possible that they might have thought that the landlords meant to let them do as they liked, but they found out afterwards that that was not so.

6498. Did you have no applications made from tenants who had signed that requisition, saying that they were not aware what the effect of it was, and that they wished to withdraw their names?—I can state positively that there were none to me; and as I was in the thick of the business the whole time, I should have known if such a thing had happened.

6499. You accompanied Mr. Warren upon every occasion, did you not?—On most occasions.

6500. There was a very active canvass for both candidates, I think?—Very active, I believe.

6501. And they addressed meetings?—Yes.

6502. In the towns the Conservative candidates did not meet with very good receptions, sometimes?—I believe the people in the towns were very strong Liberals.

6503. There was a good deal of tumult at some meetings, was there not; at Congleton, for instance?—I was not there myself, but I believe there was a row at a Conservative meeting.

6504. You say that you polled more than your pledges in the towns; do you think that that had anything to do with it; was there a feeling of fear on the part of the voters in towns which prevented them from fulfilling their promises to the Conservative candidates?—I think not; I was most of the day in the town of Sandbach, where

there

there were more riots than anywhere else, and I stood by the hustings until the polling was practically over, and I am quite certain there was not a single voter prevented from going up to vote.

6505. According to the statement in the newspapers, there was a great deal of violence at Sandbach, and voters were prevented from voting; was that so?—The only violence at Sandbach was caused by a party of roughs hired from Manchester, who came into the town with Messrs. Legh and Egerton's colours in their hats and their coats, and they immediately commenced an assault upon the inhabitants, upon which I confess the inhabitants were very indignant at Manchester roughs coming and breaking the peace, and they drove them out of the town; but the first begining of the row was the importation of those paid roughs into the town.

6506. What were those roughs brought in for?—They were brought in ostensibly to protect the voters.

6507. Had there been no riot previously?—Not the least; they were brought in as soon as the poll opened.

6508. Did you see that yourself?—I saw them come in; there had been no row at all before.

6509. *Chairman.*] Had there not been a row at Conservative meetings?—They had had a very noisy Liberal meeting, and a very noisy Conservative meeting, but there had been no violence; nothing to justify any fear of that sort.

6510. Mr. *Edward Egerton.*] Do you mean to state positively that there had been no violence before these roughs were brought in?—I say they were brought in between 9 and 10 o'clock on the morning of the election.

6511. And that everything had been quiet when they were brought in?—Everything was perfectly quiet when they came in.

6512. When was this meeting at which there had been violence before?—I think it was in September when there had been noise, not violence.

6513. And nothing beyond noise?—Nothing beyond noise; the Conservatives made a noise at the Liberal meeting, and the Liberals made a noise at the Conservative meeting.

6514. Which is generally done at most meetings, I believe?—Yes.

6515. Have you heard of any instance of any tenant suffering on account of giving his vote for the Liberal party in Cheshire?—No, certainly not; I do not believe, as I said before, that a landlord dares face public opinion and give notice to his tenant on that account.

6516. Has there been any ill feeling left?—No; I think all ill feeling has died away.

6517. Was there any treating, that you are aware of, in any of those towns on the day of the election?—There was a good deal of eating and drinking, I know, on our side. Our orders were that nobody but committee-men should have refreshments, but the result was that every man came in and ate and drank. A committee-man brought him in, and I believe it was just the same on the other side.

6518. Was there much drunkenness?—I saw no drunkenness. I was at three or four polling places in the day and I saw no drunkenness.

6519. You have had some experience in this election, and you are a lawyer, I think?—I was at the Bar.

6520. Have you any suggestion to make to the Committee as to greater stringency in the law relative to treating?—I think that the best way to prevent treating is to shut up the public-houses on the day of the election; that would be the only way.

6521. Do you think it would be possible to hold election committee-rooms at places that were not public-houses?—I should think it most possible; wherever there is a population there is a school; and if we could enact that the use of the school-room should be given to all *bonâ fide* candidates to address the electors, the whole thing might be easily carried out.

6522. Have you any suggestions to make to the Committee beyond the ballot with a view to securing greater purity in the county elections?—No, I think not.

6523. Mr. *Dalglish.*] You stated, I think, in your evidence, that the labourers of the tenant farmers were sometimes better educated than their masters?—I think that is the case.

6524. Therefore would not it be an advantage that the educated labourers should have a vote as well as the uneducated farmers?—I am most anxious that that should be so; I think that the labourers feel it very much; they see that a man living in a town who is a much worse educated man than themselves, has a vote for the borough, and they feel very much the exclusion from the franchise.

6525. Then you would be in favour of the extension of the same franchise to the counties as now exists in boroughs?—Yes, if we had the protection of the ballot, not without.

6526. Mr. *Edward Egerton.*] You stated that the farmers in Cheshire are principally Dissenters?—Yes; of course I can only speak from my own observation, which is pretty large; and I should say that there is hardly any tenant farmer in Cheshire who does not attend chapel occasionally; and most of them, or a great many of them are proprietors or trustees of chapels.

6527. There has been no difficulty in getting church rates, has there, in Cheshire?—I think it would have been perfectly impossible to get a voluntary church rate, if the landlords had not had the power of influencing their tenant's votes, and had not done so.

6528. Has there been any case in which a church rate has been refused, to your knowledge?—Yes, in Middlewich it has been refused.

6529. I mean in the county districts?—Middlewich, though it is a town, comprises an enormous amount of county district. I do not know enough about church rates to tell you of any cases, but I certainly understand that, practically speaking, church rates have ceased in Cheshire.

6530. Do you mean under the new law?—No, they had ceased before. Of course in a township or parish where the property belonged to one proprietor, they may have gone on.

6531. Sir *George Grey.*] Are the people Wesleyans?—They are Wesleyans, and there are a great many of the sect that Dr. Warren founded, the Free Methodist Church.

6532. Mr. *James.*] I think the broken promises that you spoke of were not broken promises of those who signed the requisition, but broken promises upon the canvass?—Quite so. I did not at all count the requisition, because I can quite understand a man merely signing a requisition in order to have an opportunity of hearing a candidate speak, and really seeing what his value is. I merely compared the result of the canvass

Mr. *G. W. Latham.*

1 June 1869.

canvass with the result of the election. I do not think it is at all fair to compare the returns of a requisition with the returns of an election.

6533. You said that, in your opinion, you would prohibit the conveyance to the poll of voters in counties as well as in boroughs; to what extent would you carry the effect of that prohibition; would you make it a matter that should void the seat, or simply a penalty under the Corrupt Practices Act?—I should think that a penalty would be quite sufficient.

6534. Will you allow me to call your attention to this fact, that the conveyance of voters now is prohibited, and yet it is freely carried on notwithstanding the penalty?—I have not studied that question; but I think I should allow them to bring a voter to the nearest railway station, if he was a freeholder living outside the polling district.

6535. Sir *George Grey.*] I suppose with this political ignorance and indifference which prevails generally among the tenant farmers in Cheshire, there is no great desire for the ballot?—I think that there is this desire for the ballot: It is not legal evidence; but a friend of mine, in whom I have great confidence, and I am quite certain he would tell me what is perfectly true, told me that during the polling at Altrincham a good many voters, before they polled for Messrs. Legh and Egerton, said, "We hope we shall have the ballot next time, and we hope you will win."

6536. Were those town voters?—No; Altrincham is not a town; it is a congeries of large houses, and of small agricultural tenants round them.

6537. Did I rightly understand you to say that now, owing to the ignorance of politics, and the indifference of the tenant farmers, they vote as a matter of course with their landlords?—Yes.

6538. What influence do you suppose would guide their votes provided the ballot was in force?—I think that the landlord would have a certain influence still, and I am not prepared to say that he should not have a certain influence; but I think that in the case where the chapel and the landlord were opposed, a man would exercise his discretion; at present he exercises no discretion at all; I think he would let thought in a little bit, whereas at the present time he does not even think about it; he knows it is no use.

6539. Mr. *Bright.*] Do you think that the system of open voting, and the influence exercised by landlords, rather prevents the farmers from taking an interest in politics?—I think it is just so; they think it is no use taking any interest in politics.

6540. And it is rather safer to know nothing when they must vote as they are told?—Yes.

Friday, 4th June 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Bright.
Mr. Dalglish.
Mr. Edward Egerton.
Mr. Fawcett.
Mr. Graves.
Sir George Grey.
Mr. Gathorne Hardy.
The Marquis of Hartington.
Sir Frederick Heygate.
M. Staveley Hill.
Mr. Hunt.
Mr. James.
Mr. Leatham.
The O'Conor Don.
Mr. Raikes.
Mr. William Henry Smith.
Mr. Villiers.

THE RIGHT HON. THE MARQUIS OF HARTINGTON, IN THE CHAIR.

The Rev. MICHAEL DANIEL JONES, called in; and Examined.

Rev. *M. D. Jones.* 4 June 1869.

6541. Mr. *Leatham.*] YOU are an Independent Minister, are you not?—I am.

6542. And Principal of the Independent College of Bala, in Merionethshire?—I am.

6543. Have you lived long there?—Yes, I have spent almost the whole of my life there.

6544. Have you any special means of knowing the political opinions of the great bulk of the inhabitants?—Yes, I am constantly in personal communication with them.

6545. Do you take an interest in the elections?—I do.

6546. And an active part?—Yes.

6547. Have you been a member of committees?—I have been a member of committees, and attended meetings at the county elections.

6548. You took part, did you not, in the three elections of 1859, 1865, and 1868?—Yes.

6549. Is most of the land in Merionethshire in a few hands?—It is; there are two principal estates there.

6550. Do you know the number of tenants upon those large estates?—Upon one, about 160; and upon the other about 150, more or less; I am not quite sure.

6551. With regard to the 150 tenants, is that estate near Bala?—Yes; both of them are not far from Bala.

6552. Do you know all those men personally?—On one estate I know them personally, every man.

6553. Is that the estate with the 150 tenants?—Yes.

6554. Do you know whether they are Dissenters or Churchmen?—Almost all Dissenters.

6555. What is the proportion?—Nine-tenths perhaps, or more, are Dissenters.

6556. And are the Dissenters almost universally Liberals in Wales?—They are.

6557. In 1859 had those 150 men votes?—Not all of them.

6558. How many had?—I cannot say exactly upon one estate; upon the other I can.

6559. How did those tenants on the estate which you are speaking of vote?—Upon the lesser of the two large estates with a Tory landlord, they voted on the Conservative side with the exception of 14.

6560. Are those large farms or small farms?—They are of different sizes; some large, and some small.

6561. Do they run from 40 to 60 and 100 acres?—They do.

6562. Are they held on leases?—No; they are all tenants-at-will.

6563. As to the 14 men who did not vote for the Conservatives, can you tell me how they voted?—Nine of them were neutral, and five voted for the Liberal candidate.

6564. What happened after the election to the five who voted for the Liberal candidate in 1859?—They were all ejected.

6565. When were the notices given?—On the following notice day.

6566. That was September, was it not?—Yes.

6567. The men were turned out?—Yes.

6568. There were nine who were neutral; did anything happen to them?—Their rents were raised.

6569. In every instance?—Yes, in every instance.

6570. Were any other tenants turned out at the same time?—None.

6571. Were the rents of any other tenants raised at the same time?—None.

6572. Have you the names of all those parties by you?—Yes, I have them, and I can give the particulars.

6573. Were those persons told why they were turned out in any case?—Some of them were told by the agent.

6574. What were they told?—That it was on account of their votes that they were turned out.

6575. Did any of them receive any other reason why they were turned out?—None.

6576. Now, turning your attention to the following election of 1865, how did the nine who were neutral at the previous election vote?—They voted all on the Tory side.

6577. Had any of them their rents lowered after that?—Yes.

6578. Now, as to the other large estate which you spoke of, upon which there were 160 tenants, are those men nearly all Dissenters?—Yes.

6579. And Liberals?—Yes.

6580. In 1859, how many men of those had votes?—Thirty-five.

Rev. *M. D. Jones.* 4 June 1869.

6581. Do you remember how they voted?—Eleven voted on the Tory side, and the rest were either neutral, or some of them voted on the Liberal side.

6582. Were those almost all leading men in chapels in their neighbourhood? — There were seven who received notice to quit, and these were nearly all leading men in the chapels.

6583. And those seven all received notice to quit; were they turned out?—They were.

6584. At the next election in 1865, how did the tenants vote on that estate?—They all voted for the Tory candidate, except one.

6585. In fact, they decided the election?—Yes, the coercion on those two estates decided the election in favour of the Tory candidate.

6586. Can you speak from your own knowledge that as a rule the tenants in the agricultural districts in that neighbourhood are forced to vote with their landlords, whatever may be their political convictions?—Yes.

6587. Was there an election last year?—There was.

6588. There was no contest, I believe?—There was a contest, but no polling; the Tory candidate retired just before the polling.

6589. How do the farmers in that county regard an election?—They regard it with dread.

6590. Do they wish to have no vote?—They do.

6591. Was there a meeting held of Independents in this county recently?—There was about a year or two ago at Trawsvynydd, a meeting of ministers and deacons.

6592. Did they pass a resolution?—Yes, in the committee they passed a resolution to the effect that a petition was to be sent to Parliament requesting them either to take the vote from the farmers or to give them the protection of the ballot.

6593. When was that petition sent?—I do not know whether it was sent; it was passed to be sent.

6594. What was the date of the meeting?—About a year ago. I cannot remember the exact date.

6595. Do you know any instances of Dissenting congregations being turned out of their chapels in consequence of the way in which the leading members had voted?—I know an instance in which a congregation, or rather two leading men in a congregation, had notice to quit, and I know another case in which the chapel was sold.

6596. It has been stated to this committee that Dissenting ministers have taken a very active part in the election and have exercised a kind of spiritual terrorism over their flocks; is that true?—That is an impossibility.

6597. You mean that it is an impossibility on account of the peculiar relations existing between an Independent minister and his flock?—Certainly.

6598. They have no control of that kind, have they?—No; the congregation have more control over them.

6599. You have heard of no spiritual censure?—None whatever.

6600. Sir *George Grey.*] You say, do you not, that at the last election there was no contest?—There was a contest, but no polling.

6601. There were two candidates proposed, but the Tory candidate retired?—Yes.

6602. Notwithstanding this coercion which you say was exercised in the two previous elections, the Tory candidate had no chance this time?—No.

6603. How do you account for that?—In one part of the county there are quarries, and that is why the Liberals are the masters of Merioneth, through the quarrymen.

6604. What was the difference between the last election and the previous elections which secured the return unopposed of the Liberal candidate this time, when there had been a severe contest on the two previous occasions, and the Tory candidate had been returned at both of them?—The register was well attended to, and there was an increase of buildings, for the most part in the neighbourhood of the quarries.

6605. Even without the ballot the vote of the county, according to what you supposed to be its opinion, was freely represented at the last election; was that the case?—It is represented now, no doubt.

6606. Then the last return, according to your opinion, was in accordance with the general view of the constituency?—Yes.

6607. And that without the ballot?—Yes, and that without the ballot.

6608. Mr. *Villiers.*] Did I rightly understand you that there was a petition presented about a year ago, or drawn up for the purpose, praying that the franchise should be taken away unless they could vote freely?—Yes.

6609. Was that after the Reform Act had passed extending the franchise?—I do not remember the exact time.

6610. It was before the general election, I presume?—Yes.

6611. And subsequently to the last previous election?—Yes.

6612. And you think it was about a year ago?—I think it was about a year ago.

6613. Has the franchise been much extended, owing to the Reform Act, in that county?—A little; not a great deal.

6614. Have the additional voters generally gone on the Liberal side?—That depends upon who the landlord is. If they are independent voters, they generally go upon the Liberal side; and if they are under landlords who are Conservatives, they generally go with the Conservative landlord.

6615. You say that there was no contest, although the politics of the candidate were different from those that had been elected before; was it from any apprehension that the new voters would be Liberal, that the Conservative candidate did not go to the poll?—The Conservative understood that he could not carry the day.

6616. Why did he suppose that he could not carry the day; was that owing to a change of opinion, or to the increased number of voters?—To the increased number of voters, and there was also a very strong conviction upon the Irish question.

6617. But there was no disposition to abstain from coercing the voters if they had gone to a poll?—None.

6618. But looking round and seeing who the voters were, and seeing how decided their opinions were, they did not go to the poll?—They did not go to the poll.

6619. What sort of coercion was used on the Liberal side?—I heard of no coercion at all being used on the Liberal side.

6620. Who are those voters in the quarries; are

are they persons that work under the persons who have leased the quarries?—They are workmen in the quarries, and they have got votes in consequence of the houses that they own.

6621. But are those who have got the quarries Liberal or Conservative?—There is a mixture; at Festiniog some of them are Liberals and some otherwise.

6622. Would not the men vote for those who employ them?—The men in the quarries are independent; much more independent than the farmers.

6623. But they are not independent of their employment, are they; they depend upon that for their livelihood?—Of course they depend upon their employment.

6624. But you do not think that any influence was used over them to induce them to vote as they would not have done?—There was an attempt, I believe, but they showed great independence.

6625. Are those people generally educated?—Their religious education is more complete than their secular education.

6626. And they regarded this as a religious question?—The Irish question they did.

6627. Was there any influence used in chapels; was there any preaching for one candidate more than another?—I never heard a word.

6628. Does it exercise much influence over the judgment of the voters if the subject is taken up in a chapel; the ministers have influence over them, have they not?—The ministers have influence, of course.

6629. And they would have it if there was the vote by ballot, would they not?—Yes, in the formation of opinion.

6630. Were the landlords generally against the Liberal side?—They were.

6631. What is the number of the constituency at Bala?—I cannot say exactly what it is now. In 1859 it was about 1,000, I believe, in the county of Merioneth. There are no boroughs in the county of Merioneth.

6632. Is it a county belonging to a few proprietors?—Mostly.

6633. Do you think that there are 1,000 voters now?—Upwards of that.

6634. Do you know what number of voters there were in 1859?—I do not remember exactly the number of voters.

6635. Has this subject of the ballot been discussed at all in Bala and in the county?—It has.

6636. And is there a desire to have the ballot?—Yes.

6637. Mr. *Hunt.*] Of what denomination is your chapel?—Of the Independent denomination.

6638. You spoke of the case of a chapel that was taken away from the congregation on account of the voters of some of the leading members of the congregation, where was that?—That was in Montgomeryshire.

6639. Had that chapel been used for political purposes during the election?—I never heard of it.

6640. Have you heard of any dissenting chapels in Wales being used for political meetings during the election?—Yes.

6641. In your own neighbourhood?—Yes.

6642. Was your own chapel so used?—No.

6643. What chapels were so used in your neighbourhood?—There was one at Llanuwchlyn in Merionethshire.

6644. Was that a single instance within your knowledge?—No.

6645. Was it very common?—Yes.

6646. Do you know of any in Carmarthenshire that were so used?—Yes.

6647. And in Cardiganshire?—Yes.

6648. Generally throughout Wales was it the case that chapels were used for political meetings?—Yes, and literary meetings as well.

6649. You do not know whether in this case, in Montgomeryshire, where the congregation lost their chapel, the chapel had been so used?—I believe it had not.

6650. Supposing it should be so, should you think that if the proprietor had allowed the use of the place of worship for religious purposes he should have reason to find fault that it was used for political purposes?—Not to eject.

6651. Supposing that a proprietor had allowed the use of a chapel for religious purposes, should you be surprised if he was offended and resumed possession of it if it was perverted to political purposes?—I should be surprised if he were to eject on that account.

6652. Do you know the tenure upon which the congregation held this chapel?—Yes.

6653. What was it?—It was built upon land belonging to a certain landlord, and so much rent per year was paid for it. The congregation built the chapel.

6654. For the purpose of worship?—Yes, for the purpose of worship.

6655. Do you approve of places of religious worship being used for political meetings?—Yes, when other places cannot be found.

6656. You think that if other places cannot be found, it is a legitimate purpose to put a place of religious worship to?—Yes.

6657. Have you attended political meetings in chapels?—Yes.

6658. And spoken to resolutions there?—Yes.

6659. And do you think that a right purpose to put such a building to?—Yes.

6660. Do you know the proportion of occupying tenants on the register in Merionethshire to the freeholders?—No, I do not.

6661. Do you know anything like the proportion?—I do not.

6662. Are those two large properties which you have spoken of owned by persons of the same political opinions?—Yes.

6663. Do you know in what proportion the voters from the quarry were to the rest of the electors?—I do not.

6664. Not knowing that, how can you say that the quarrymen turned the election?—Because the increase on the register was in that particular quarter on the Liberal side.

6665. Do you know what the balance was before?—I only know from the report of the different committees.

6666. What was the report previously of the balance of electoral power?—The Conservative side had about 30 majority in 1859, and in 1865 it was about the same mark, or a little less.

6667. And how was the majority turned into a minority by the votes of the quarrymen?—They did not vote in the last election; there was no polling.

6668. But you say that there was no polling because the addition to the electoral roll, on account of the increase amongst the quarry men gave the preponderance to the other side; is that what you maintain?—Yes.

Rev. *M. D. Jones.*

4 June 1869.

6669. How much increase was there by reason of the addition of these quarrymen?—I do not remember the exact number, but I know there was an increase.

6670. About how many?—I believe there were 200 votes upon the roll.

6671. And all Liberals?—Yes, all Liberals; almost to a man.

6672. Do you know how many were put on the roll elsewhere?—No, I do not remember exactly.

6673. About how many should you say?—I do not remember.

6674. If you do not know the number how can you say that the addition of the quarrymen to the roll turned the election?—I say so in quoting the authority of our agent, Mr. Pugh, a solicitor from Dolgelly.

6675. You tell us that, but you cannot give us the numbers?—No; I know it is the impression through the county that that is the case.

6676. And you believe that that is the reason why the Conservative candidate did not go to the poll?—No doubt about it.

6677. Mr. *Villiers.*] Are the quarrymen freeholders?—No, they are leaseholders.

6678. Mr. *Hunt.*] With regard to those cases of evictions on account of their votes, have you gone into each case yourself?—Yes.

6679. With the tenants?—Yes.

6680. Every one?—Yes, every one.

6681. Have you any explanation from the owner of the property or his agent as to the evictions?—No, but the thing was brought before him in a certain public meeting, and he did not deny it.

6682. Where was that meeting?—It was on the hustings in Denbigh, and it was twice brought forward.

6683. But we are talking about Merionethshire?—But the thing was brought forward in a public meeting in Denbighshire, and on the hustings it was twice brought on.

6684. Did the person attacked speak?—He did.

6685. And he did not deny it?—He did not.

6686. Are all the great properties in Merionethshire owned by persons of one side in politics?—Yes.

6687. Are you acquainted with other parts of Wales?—Yes.

6688. What is done by persons on the other side of politics with regard to their tenants?—I have heard of no coercion, none whatever.

6689. The coercion is all on one side?—Yes, all on one side, as far as I know.

6690. Is there any intimidation in Wales?—I am not prepared to mention any particular cases, although I believe there are.

6691. Are there any intimidating mobs in Wales?—I am not acquainted with any.

6692. You have not heard of any?—I have read about them in the papers.

6693. Do you know anything about Carnarvonshire?—Yes.

6694. Did you hear anything about any intimidation by mobs in Carnarvonshire?—No.

6695. You never heard of any?—I heard of some row in some part of Carnarvonshire during the late election, but I have heard of no intimidation.

6696. Did those quarrymen lean together at the time of the election?—I am not aware of that.

6697. What has been your own practice with regard to addressing your congregation; have you made allusions in your sermons to political subjects?—No, never.

6698. Do you know that it is the case that other ministers have done so?—No, I do not know it.

6699. Are you prepared to say that it has not been done?—I am not prepared to say so, but as far as I know, it has not been done. My acquaintance with Wales is very great, and if it had been done I should have heard of it, I fancy.

6700. Have you heard of a meeting at Llanwenarth?—No, I have not.

6701. Were any prayer meetings held in chapels in your neighbourhood at the time of the election?—Not in connection with the election, but at the time, and every other time, we have prayer meetings every week.

6702. Were there any prayers offered for the success of particular candidates?—I never heard of it, either by the Conservatives or by the Liberals.

6703. Sir *Michael Hicks Beach.*] With regard to those quarrymen that you have spoken of, were they all Liberals?—The Welsh generally are Liberals, but the quarrymen are not more Liberal than the farmers.

6704. But you count upon their votes as a great aid to the Liberal cause in your county?—Yes, they are more independent.

6705. Then, do you hold the opinion that the whole constituency would be Liberal were it not for the landlord influence?—Yes.

6706. Upon what ground is that; do you think that the quarrymen are better educated than the farmers, or not?—Not on that account, but they cannot be intimidated in the same way as the farmers.

6707. How do those quarrymen form their political opinions?—In the same way as the farmers.

6708. How do the farmers form their political opinions?—By means of public meetings, and reading the papers; in the same way as everyone else does.

6709. Who are generally the speakers at those public meetings which you say they attend?—Different men; laymen and preachers, and different individuals.

6710. And do Dissenting ministers take a very active part at those public meetings?—Some of them do, others do not.

6711. Do the landlords take an active part at those public meetings?—Occasionally they do.

6712. I suppose those public meetings are pretty invariably held on the Liberal side, are they not?—Yes, and some of them are on the Tory side, as well; I have heard of some landlords stumping in the last election.

6713. But only at election times?—Only at election times.

6714. The speakers at those meetings on the Liberal side are better educated, I suppose, than the persons whom they address?—It is the case everywhere in England, as well as in Wales; generally, the teacher is more intelligent than those who are taught.

6715. They teach the people who attend those meetings their particular views, of course?—Yes.

6716. Do the Liberal party hold more meetings than the Conservatives?—Yes, they do.

6717. You

6717. You would, therefore, I suppose, allow that the Liberal opinions of the electors would be in a great degree owing to the teaching of those persons who speak at political meetings?—Yes; but the Conservatives have failed to establish a Welsh paper in Wales at all; they have attempted to raise a Welsh paper, but they could not do it.

6718. I am speaking not of papers, but of meetings; you would allow that that is the case, would you not?—Yes.

6719. You do not object, do you, to any fair discussion?—No, of course not.

6720. You would not object to a landlord attending a political meeting and endeavouring to influence his tenants by the expression of his opinion?—No; I should be very glad to see him.

6721. Do you mean positively to say that the landlords have done more than that in your county?—Yes.

6722. As to the evictions which you have spoken of, were they entirely on account of political differences?—Some of the tenants were told so distinctly.

6723. By their landlords or by their agents?—By their agents, or by their agent rather.

6724. Do you know any cases in which the landlord told them so?—I do not.

6725. I suppose there have been cases where some of the members of Dissenting congregations have voted in a different way from the majority of the congregation?—Yes; that is the case in all congregations.

6726. Have you ever heard any remarks being made upon that?—Remarks, of course, I have heard; but there was no expulsion, or any attempt at coercion in any way.

6727. Do the persons still continue to attend the chapels to which they belong?—They do; and they hold the offices which they formerly held.

6728. Have you never heard of any instance to the contrary?—Not one; and I am pretty sure that there is not one in Wales.

6729. Mr. *Raikes.*] I think you said that all the large proprietors in Merionethshire were of the Conservative way of thinking?—Yes.

6730. Do you know the Coss-y-gedol proprietor?—Yes; but we do not consider it a leading estate.

6731. It was the old property of the Mostyn family, was it not?—Yes, formerly.

6732. Are you aware that one of the owners of the Castel-dendrach is a Liberal?—I do not know him; we have not known him as a prominent man amongst us, if he is a Liberal.

6733. I believe that the sitting Member has a considerable estate in Merioneth, has he not?—Not very great; he has a good deal of land in Merioneth.

6734. He is a Liberal, is he not?—Yes.

6735. I believe that the Nannar estate is in Liberal hands, is it not?—Yes; it was once the leading estate; but now it is divided.

6736. The Rhiwlas property is also in the hands of a Liberal, is it not?—I prefer not to speak of individuals.

6737. However, those are four properties of importance in Merionethshire that I have mentioned, which, at the present time, are not in Conservative hands?—Yes.

6738. You were saying that you considered it quite a proper thing to employ a chapel for the purpose of a political meeting; do you think it would be quite a proper thing to employ a church for the purpose of a political meeting?—It is done in every church, as far as I know, to treat of the business of the parish.

6739. I am not speaking of parish business; I am asking you whether you think it would be a proper thing to employ a church for a political meeting, at which political speeches should be made?—The law forbids it.

6740. I am asking you whether you consider it would be a proper thing?—Morally, if I were a churchman, I should not object to it if there was no other room.

6741. Are your views upon the subject the general views of the Dissenting ministers in Merionethshire?—Yes, but we differ a little.

6742. But, as a rule, most of them consider a chapel a proper place for a political meeting, and you think that they would not object to a church being used for a political meeting?—They would not object, but we prefer another room always, when we can get it.

6743. Have you heard anything of the report of a minister in the adjoining county of Denbigh, who said in the course of a sermon that it would be a proper thing to crucify the Conservative candidate, and make his head a football?—I heard of a raw student saying something silly on a certain occasion.

6744. It was in the course of a sermon, I believe?—No, it was not.

6745. It was in an address in a chapel?—It was in an address, I believe, delivered by this raw student, not a minister.

6746. But some one preparing for the ministry?—Yes. But he explained afterwards that he did not mean literally to crucify him, but to crucify him politically.

6747. Have you heard of an advertisement that appeared in a paper at the time of the election warning members of Dissenting congregations, that if they voted for Conservative candidates they would suffer some loss of their religious privileges in consequence?—I never heard of that.

6748. And you never saw it?—I never saw it.

6749. I think you said, just now, that the people in your part of Wales are more religiously educated than generally educated?—I mean more religiously than secularly educated.

6750. And their religious education embraces the politics of one side?—Certain questions, such as the support of religion by voluntary contribution.

6751. That is part of the religious education?—Yes.

6752. As they are not persons usually of very large general education, how would you propose to carry out any system of secret voting, if it was established there?—I should coerce the secrecy.

6753. What would be your machinery, because you are aware, I presume, that it is a difficult thing to carry out secret voting?—I have heard of a system in Australia which is working very well; I am not prepared to propose any particular plan.

6754. You have only a general idea about secret voting; you have not given much attention to the detail?—No, I have not.

6755. Are you not aware that it might be difficult to make it practicable with illiterate people?—I have seen the system worked in America, and I did not see any difficulty.

Rev. *M. D. Jones.*

4 June 1869.

6756. But the people are very fairly educated there, are they not?—Yes.

6757. Are the majority of the people in Merionethshire able to read and write, do you think?—I do not know about the majority; there is a great improvement compared with what the state of things used to be.

6758. Did you see the account of the ballot that was tried at Manchester the other day?—No, I did not.

6759. Are you aware that it is a frequent system in trying elections by the ballot to give the voter a card, on which he strikes out certain names?—Yes, I know that.

6760. There would be some considerable difficulty, would there not, in case the voters, generally speaking, could not read or write in carrying that out?—They can read generally, but they cannot write. Those who cannot read are exceptions in Merionethshire; they almost all can read. They are taught that in the Sunday school, but not to write.

6761. *The O'Conor Don.*] As to those chapels that you speak of in which political meetings were held, I understand that they are not devoted exclusively to religious purposes, but that meetings of other descriptions were held there?—Literary meetings occasionally.

6762. And with the full knowledge of the proprietors on whose estates they are?—Yes.

6763. And they have never objected to those secular meetings being held?—I never heard of any objection.

6764. Therefore, when they gave the chapels to those congregations they did not give them for exclusively religious purposes?—I never understood that.

6765. Were the chapels built by the congregations?—Yes.

6766. But the sites, I presume, were given for the purpose by the proprietors?—Yes.

6767. Are the chapels generally held as tenancies from year to year?—No. Some are so; some sites are sold out and out.

6768. In whom does the site of the chapels vest?—Trustees, generally.

6769. In those cases in which the chapels have been taken away from the congregations, in whom was the site vested as tenants?—There was no site vested at all, only tenants-at-will paying so much a year.

6770. But who was the tenant; was it the minister?—In the one chapel in Montgomeryshire the two deacons were the tenants, and they received notice to quit; in the other I was the tenant of my own chapel, and I paid the rent; at least a person paid it on my behalf.

6771. Mr. *Staveley Hill.*] In the case of the Montgomeryshire chapel, was it held under a deed of covenant?—No, no covenant at all.

6772. Was the land merely let for building purposes?—Yes.

6773. And do I understand that the people remained there simply as tenants-at-will, and had no deed of any sort?—None.

6774. No understood covenant even?—I do not understand that there was any understood covenant.

6775. In your own chapel have you no deed under which you built your chapel?—Then we had not. When the chapel was sold we had no deed; now we have a deed because we have purchased it.

6776. But when the land was let for you to build upon, you had no deed?—It was built upon a common then.

6777. To whom did that common belong?—To the Crown.

6778. And then the Crown sold you the land, did it?—To the landlord contiguous, and we paid, on account of our encroachment on him for the sake of letting the chapel alone, 2*s.* a year rent, and he had the right of pulling it down.

6779. Can you say distinctly whether or not, with regard to the instance which you have given of the chapel in Montgomeryshire, it was revoked on account of a political meeting having been held there?—That can be inferred.

6780. I am not asking you about what can be inferred, but can you say whether or not it was revoked in consequence of a political meeting being held there?—They received notices to quit immediately after the election.

6781. Can you say whether or not the gift was revoked in consequence of a political meeting having been held there?—I have not the saying of the landlord for it.

6782. Can you say, aye or no, was it revoked in consequence of a political meeting having been held there?—I believe that it was not.

6783. What is the reason for your belief?—It was done after the election of 1862.

6784. Was it simply because it was after the election that you believe it was on that account?—It was immediately after the election, and on account of it.

6785. Was that the only reason?—All the land about there had been sold, which belonged to the land, except that particular spot.

6786. Is that your reason?—Other individuals in the county also received notices to quit for voting.

6787. Is that your reason?—All combined.

6788. Those three reasons combined are your reason for believing that it was revoked on account of a political meeting having been held there?—Yes.

6789. You say that those quarrymen have what you call a religious education, but not much else?—Yes.

6790. Where do they get that religious education?—In the Sabbath schools.

6791. Are those schools held in chapels?—Yes.

6792. In the places where those political meetings are held?—Yes.

6793. What day of the week do you hold your religious meetings besides Sunday?—Any other day.

6794. On the same days that you might hold a political meeting, or a literary meeting?—Any day when it is convenient.

6795. So that it may so happen that you would hold a religious meeting on the same day as you would be holding a political meeting in the chapel?—It may happen.

6796. No doubt it does happen, and you take the opportunity of the people coming to the one?—It might happen.

6797. You would take the opportunity of people coming for the religious meeting to hold on that day also a political meeting?—That might happen. I do not know of an instance in which it has happened; but it might happen.

6798. Mr. *Leatham.*] The Independents, I believe, do not regard their chapels as sacred edifices; they are not consecrated?—They are not consecrated.

6799. They

Rev. *M. D. Jones.*

4 June 1869.

6799. They do not consider it necessary to remove the hat except during the time of divine worship?—No; but still we attach associations to the chapel, and we always prefer another room in which to hold public political meetings.

6800. In fact, in many places there is no large room convenient for purposes of this kind except the chapel?—There is not.

6801. In Wales, at the last election, was not it generally considered that the question before the public had more or less of a religious bearing?—It was.

6802. You were asked a question or two about the disturbances in Carnarvonshire; were they not generally attributed to intimidation by landlords and other parties?—I heard that, but I do not know much about it; I read of it in the paper, that is all.

6803. Mr. *Hunt.*] Should you have any objection to an agricultural meeting being held in your chapel?—If there were another room I should prefer it.

6804. But you would make no objection yourself to an agricultural society holding its meeting in your chapel if they had no other place?—If it were to serve the community I should not.

6805. Sir *George Grey.*] Where are the meetings for parochial purposes held in those parishes in Wales?—In the churches.

6806. *Chairman.*] Who has the control of the chapel generally; is it the minister?—The minister and the deacons generally; but with the Independents and the Baptists the majority of the church generally rule.

6807. But when a candidate applies for the use of a chapel for a political meeting, to whom does he make the application?—To the minister and deacons.

6808. And they can grant it?—Yes, generally they can grant it.

6809. Have you ever known any case in which the use of a chapel has been applied for by a Conservative candidate?—I never knew of a case in which there was such an application.

6810. Mr. *Hunt.*] Do you know a Liberal paper called the "Star of Gwent"?—No, that is in South Wales, far from me; I know the paper, but I do not take it in.

6811. Mr. *Raikes.*] With regard to the parish meetings which you say are held in churches, I presume you mean that they are held in vestries?—Yes.

6812. And not in the part of the church appropriated for Divine worship?—Yes, in that, too; I have been in one.

6813. Can you give the name of any place?—Llanuwchlyn, my native parish.

6814. You attended a parish meeting there in the body of the church, did you?—Yes, and in Llanycil as well.

6815. Sir *Michael Hicks Beach.*] Did you ever read any articles in the "Star of Gwent," or hear any article read on the subject of the action of the Baptist connection in Wales in the time of the elections?—I did not; that is in South Wales, some distance from me.

6816. Still it is a paper which circulates largely in Wales?—In the works in South Wales, not in North Wales.

Mr. James Spaight, called in; and Examined.

Mr. *J. Spaight.*

6817. Mr. *Hunt.*] You have had considerable experience in Parliamentary elections in the city of Limerick, have you not?—I have.

6818. That experience dates from 30 years ago, does it not, or even more?—Yes, it does.

6819. You are a magistrate, are you not?—Yes, a magistrate and a merchant.

6820. Did you contest the city of Limerick in 1837?—No.

6821. But are you well acquainted with the circumstances of the election of 1837?—Yes, I was engaged in it.

6822. Was Mr. Monsell one of the candidates?—Mr. Monsell was the Conservative candidate at that election in 1837.

6823. Do you know that he himself was very violently assaulted at that election?—Yes, I know that he had a very narrow escape of his life.

6824. Was it the case that one of his supporters was thrown out of the gallery?—Yes, I recollect seeing him thrown out of the gallery of the court-house into the body of the court, and very much injured.

6825. Had you anything to do with the election in 1852?—Yes, I was interested in the election, and also occupied very much throughout the day as a magistrate, mounted in charge of the cavalry.

6826. Was there any violence at that election?—There was dreadful violence throughout the whole of that afternoon.

6827. Was that by a mob?—By various mobs; in fact the lives of Mr. Russell's supporters at that election were in the greatest possible danger throughout the whole of that afternoon, and subsequently to the election the houses of many of his supporters were thoroughly wrecked.

6828. Were you engaged in the election of 1858?—I was.

6829. As a supporter of one of the present sitting members?—First as a supporter of Major Gavin, and afterwards as a candidate against Mr. Ball; Major Gavin and Mr. Ball were both Liberals, and the contest was between them.

6830. Was one candidate supported by the priests, and the other not?—The priests were divided, but Major Gavin being personally acquainted and a great favourite with most of the local gentry, I think the majority of them supported him.

6831. And you support him though you are a Conservative?—I did.

6832. He was unseated on petition, was he not?—Yes.

6833. And then you were a candidate?—He was unseated for bribery and I became a candidate.

6834. Were you elected?—I was; there was a great deal of disturbance and the usual scenes going on up to the evening before the nomination, and on that evening Mr. Ball retired, and I was nominated the next day.

6835. Then, did you stand again in 1859?—I did.

6836. And you were defeated, were you not?—Yes, I was defeated.

6837. At that election do you consider that your defeat was owing at all to intimidation and violence?—I consider that it was owing entirely to intimidation and violence, and I petitioned on these grounds.

Mr. *J. Spaight.*
4 June 1869.

6838. What was the result of the petition?—The result of the petition was, as well as I recollect, that the committee admitted a great amount of intimidation and violence to have existed, but that I had failed sufficiently to bring it home to the sitting Member or his agents, and both parties were left to pay their own costs.

6839. Mr. *Bright.*] Who were the sitting Members then?—Major Gavin and Mr. Russell.

6840. Mr. *Hunt.*] Did you contest the city again in 1865?—I did.

6841. Was there the same system of violence and intimidation?—Exactly the same system was carried on, and I believe owing to that system I was again defeated, but I thought it useless to petition upon the same grounds.

6842. How was that intimidation got up?—That intimidation was got up mainly by the introduction of the religious element into the contest by the inflammatory harangues of priests and others, and by the consequent excitement of mobs.

6843. What sort of part do the priests take in those elections at Limerick; in what way do they influence the people?—The active interference of the priests in elections is entirely confined to one section of them; that is to say, the secular or parish clergy; the regular clergy as a rule never interfere actively beyond recording their votes.

6844. With regard to the secular clergy or parish priests, in what way do they interfere?—They throw themselves with a great deal of energy into the contest; they go out in large bodies with their own nominees canvassing; they speak continually to large crowds in the streets, and they endeavour what is technically called to get up the steam to such an extent that the supporters of the candidates opposed to them are intimidated.

6845. And do you think that they encourage the mobs to use intimidation?—I believe they do.

6846. Do you think that they make use of their places of worship at all to influence the electors?—I have, of course, no personal knowledge, and I know and believe that they invariably make use of the collection of their congregations on the Sundays, particularly if a Sunday should intervene between the nomination and the polling to address their congregations upon that day, and also to receive the candidates and let them address them at their chapels. I believe not inside their chapels, but in their chapel yards.

6847. Is it an object with them always to get the election day fixed so that Sunday should intervene between the nomination and the poll?—They consider it of vital importance.

6848. Mr. *Bright.*] Does the returning officer generally make that arrangement in boroughs in Ireland, or is it confined only to Limerick?—When the returning officer is on the same side as the priesthood, they generally influence him to make those arrangements; if it should be in the opposite way, the sheriff knowing the very great use that is made of the Sunday for that purpose generally appoints it in the week days, as it was at the last election.

6849. Had they the nomination on the Saturday, and the polling on the Monday, in the cases that you speak of?—Yes.

6850. Mr. *Hunt.*] Mr. Murphy gave evidence before the Committee on the subject of the Limerick elections, and he was asked with reference to whether bribery was prevalent at those elections, and he says, as a rule, they scarcely know what bribery means; have you anything to say on that subject?—I am rather surprised to hear of Mr. Murphy having said so, because Mr. Murphy was the conducting agent of Mr. Ball, the petitioner, when Major Gavin was unseated for bribery.

6851. Mr. Murphy told us that the Conservatives supported the Fenian candidate at the last election for Limerick; was that the case?—No.

6852. Did any of them support him?—I have heard that some Conservatives, a very small number, did vote for Mr. Pigott, but the Conservatives as a body did not vote for Mr. Pigott.

6853. Whom did they vote for principally?—Many of the Conservatives voted for Sir Peter Tait, and very many of them on personal grounds voted for Major Gavin, who is very popular with them, though he differs on political principles.

6854. Sir Peter Tait had no connection, had he, with Fenianism?—None, whatever.

6855. But Mr. Pigott was supposed, was he not, to be a Fenian?—Mr. Pigott never appeared in Limerick; his name was put forward, but he never appeared.

6856. Sir *George Grey.*] Was not there a joint committee conducting the election of Sir Peter Tait and Mr. Pigott?—I do not know.

6857. Mr. *Hunt.*] You deny that the Conservatives, as a body, supported Mr. Pigott?—I do, most emphatically; I did not support him myself.

6858. Mr. *Bright.*] Did not Mr. Pigott's supporters vote for Sir Peter Tait on that occasion?—Several persons supported Mr. Pigott and Sir Peter Tait, but I think Mr. Pigott's voters altogether, were only about 180, in a constituency of 2,000.

6859. Then the coalition was only partial?—There was no coalition, as I believe.

6860. Mr. *Hunt.*] Was Sir Peter Tait considered a Conservative in Limerick?—There was really no information upon the point; Sir Peter Tait had not committed himself to a policy, which the Conservatives objected to; whereas the others had, and upon that ground the Conservatives preferred him.

6861. But Sir Peter Tait was not recognised as a Conservative candidate, he was not put forward by the Conservative party?—No, not at all.

6862. In fact, I believe that you were the candidate preferred by the Conservative party yourself?—Yes, I was the representative of the Conservative party; I believe, in case they considered that there was any chance for a Conservative candidate.

6863. We had some evidence from Mr. Murphy as to how far intimidation took place at the election in Limerick; what have you to say about that; was there any mob intimidation on the polling day at the last election?—Yes, there was.

6864. What time did it commence?—During the whole of the morning the town was perfectly quiet, up to about one o'clock, and during the whole of that time Sir Peter Tait continued to head the poll; about one o'clock a very remarkable change evidently took place, and there was a good deal of excitement; the cars which were going about in the conveyance of voters generally had the name of the candidates who employed

ployed them pasted on the back, and I myself saw several of Tait's cars driven off the streets, and the drivers intimidated and pelted, and the placards torn off the cars, and a general system of intimidation going on, in order to have its effect upon humble people, and upon timid people, as to recording their votes.

6865. Sir *George Grey.*] Had you any statement made of the state of the poll at one o'clock?—Yes.

6866. What was it?—Sir Peter Tait continued in a majority up to that time.

6867. Mr. *Bright.*] Was it a small majority?—Yes, it was a small majority.

6868. Mr. *Hunt.*] Do you attribute Sir Peter Tait's opponents getting ahead at that time to the intimidation which took place?—In a great degree.

6869. It was stated by Mr. Murphy that from the rural districts round Limerick, and within the borough, the electors came up in batches, attended by their landlord and his agent; was that the case?—Not at the last election, because the landlords did not generally interfere, but at previous elections they did come up in that way of necessity.

6870. Do you believe that the electors come up in that way to protect themselves from violence?—The agent and the landlord generally accompany them with a large body of military and police, in order to protect them from violence on their way, either from the railway or from wherever they arrive to the polling places, and also escort them back in the same way.

6871. But for that you think they would have been interfered with by the mob?—No question about it.

6872. Do you think that it is entirely the result of the system of the mob intimidation that prevailed?—Yes, entirely.

6873. Mr. Murphy said that a Liberal mob does not interfere with the regularly recognised Conservative voters, but they break the windows of a Catholic elector who they think is going to vote against the popular party; is it your experience that the mob leaves alone the regularly recognised Conservative voters?—I am sorry to say that I am quite of a different opinion Conservative voters, at every election in which I have been engaged, go to the poll with the greatest possible risk to themselves, and return from the poll often under escort, or they are obliged to hide themselves on the way. There is a gentleman at this moment in the room, who is a recognised leading Conservative, who was struck with a stone in 1865 as he was going to vote for me, and who was kept for a considerable time in charge of the police, and obliged to return by a circuitous way, as the police informed him that his life would not be safe. He was with a party, all of whom were pelted with sticks and stones, and placed in very serious danger.

6874. Is it the case at some of those elections that private houses and shops have been wrecked during the election?—Certainly; the houses of acknowledged known Conservatives and Protestants; the system is to wreck the house of some prominent supporter of the opposing party in each particular district, in order to establish a kind of reign of terror throughout the whole of that district, and show what would be the result to others following his example. My own house, in the principal street in Limerick during election times, is obliged to be barricaded altogether in front. I am obliged to close the shutters in front of my house, and the ladies of my family are obliged to live entirely in the back of the house; and even in the bed-rooms one of them has been struck by a stone thrown from the street in the hope of striking somebody so high up in the third floor. It is also right for me perhaps to name others. I could name a great many others; but the house of a man named Pardy, who was a recognised Conservative voter at one of my elections, was wrecked in the same way; and various others that I could name, if it were necessary.

Mr. *J. Spaight.*
4 June 1869.

6875. Sir *George Grey.*] Does this take place on the day of the polling?—It takes place every day during the election excitement.

6876. Do you mean from the time that the writ issues to the time the election is over?—No; I generally date the commencement of that kind of desperate excitement and intimidation from the time that the priests throw themselves actively into the contest, and inflame and excite the people by very strong appeals on religious grounds.

6877. Mr. *Hunt.*] Do you think it is the religious element that excites the people?—I do; I think that under any circumstances there would be excitement possibly, but the introduction of the religious element also is productive of the greatest possible mischief and danger, and violence of every kind.

6878. Was it the case that in 1865 there was an Orange placard posted in the city of Limerick?—There was.

6879. Was that done by your friends or by the other side?—It was done by the other side on purpose to make use of that feeling which I have just alluded to, and to inflame religious hatred and discord.

6880. How do you know that that was done by the other side?—Because it is notorious; it is patent now, and has been acknowledged to be a very clever trick. This was an Orange placard announcing the most ultra-Orange principles, and saying everything which was likely to irritate and offend the Roman Catholics. It never emanated from me, for I never had such feelings; and it was held up in the court-house by a very active and prominent supporter of the Liberal candidates, knowing perfectly well at the time where it came from.

6881. Do you think that if the system of secret voting were introduced, the priests would have any means of ascertaining how each of their congregation voted?—I believe that amongst the educated and independent Roman Catholics no priest will perhaps venture to inquire, but I believe at the same time that amongst the humbler class of voters there would be no secret from the priest.

6882. Do you think that there would be secresy from the landlord?—I do.

6883. Is it the case that the landlords exercise any influence in contests for the city of Limerick?—They do.

6884. Do you think that the tenants would be able to preserve secresy from their landlords and not from the priest?—I do.

6885. Have you any remedies to suggest for this state of things which you have described?—I see no effectual remedy in the ballot. I believe that mobs would be employed for the purpose of intimidating in order to obtain promises, in the same way that they are now. The only thing that has ever struck me which would materially

Mr. *J. Spaight.*

4 June 1869.

tend to do away with this unfortunate state of things which exists at contests in Limerick is, if it could be arranged in any way, that no clergy of any persuasion should be allowed actively or openly to interfere as canvassers or agents or speech-makers at elections. I believe that that would take away the most dangerous element of intimidation.

6886. Do the priests confine themselves to the moral or spiritual influences which they can use, or do they sometimes apply themselves to other means of influencing the electors? — Unfortunately, the priests have been proved to have been active, not only in the organisation of mobs, but in the distribution of whiskey.

6887. Have you any evidence to show that? —I have evidence to show that, if it is necessary. There is one thing which I would beg to say to the Chairman, that I have no desire or wish to bring forward the name of any individual priest. It is the system that I object to, and, with the permission of the Committee, I would rather not bring forward the name of any particular priest.

6888. But have you in your possession orders for drink signed by Roman Catholic priests to be distributed to electors at the election?—I have; and I believe that it would be in accordance with the wishes of the respectable Roman Catholics themselves, if the priests were prevented from holding the position that they generally do in elections. These are the kind of documents that are used (*producing some documents*), and if the Chairman will allow me to read them without the names I would prefer it. The date of the year is not in this document; it is July the 13th; it applies to the year 1865, and the circumstances to which this refers are these: "St. Munchin's, Thursday P.M. I, on behalf of Messrs. Gavin and Russell, authorise Mr. [ ] of Thomondgate to give drink to the amount of 5 *l.*" That is signed with the name, and afterwards "C.C.", which means Catholic curate.

6889. Have you another of the same kind?—Yes, I have another in the same handwriting. "Give So-and-so an order for 5 *l*," and then follows the name of the same clergyman. Then there is a memorandum from the person who supplied this drink, giving the particulars of orders to the amount of 15 *l.* for St. Munchin's parish, Thomondgate, Limerick.

6890. Was it drink that was supplied, or refreshment?—It merely says, election week, first order 5 *l.*; second order 5 *l.*; third order 5 *l.*

6891. Sir *George Grey.*] Who was it supplied to; was it to be given to a particular person?—Yes.

6892. Then it was to be distributed by him?—Yes; the system upon which it is done is this, that certain persons have authority to give orders in this way, and they select persons in their own immediate neighbourhood, each of whom will collect the idle, and the people who are waiting about at election times generally to get hold of those things, and he will bring them in a body to the public-house, and he will give them as much drink as they are capable of holding; and they will come out in a body, and they will flourish their sticks, and they will go in a most excited way along the streets, shouting out the name of the candidate who has given them the drink, and that going on in every district in the city, sometimes produces the most frightful state of excitement and confusion.

6893. Mr. *Hunt.*] Is it the case that mobs have been hired at any of the elections for Limerick?—It is invariably the case.

6894. Is it the case that the priests are concerned in paying the mobs?—It is very well known that they are, in organising and in paying them, too.

6895. When you presented the petition that you have spoken of, was it proved in that case that the money for hiring the mobs had been paid by some of the Roman Catholic clergy?—I believe it was.

6896. At the last election, did the Roman Catholic bishop take any active part in the election?—Yes; he took a very active part in going about, particularly in the latter part of the day; his carriage was continually moving about the streets, and he went to the different polling places in the course of the day; I do not know whether he went to all of them.

6897. Mr. Murphy said that the polling-day was generally very quiet, and that people know that if there is any obstruction on the polling day it may invalidate the election; you deny, do you not, that the town was quiet?—My experience is directly the contrary; the intimidation on the polling-day is what I have always dreaded most.

6898. It has been the practice to bring in some country voters the night before, has it not?—Yes.

6899. Has that been done in consequence of their being liable to be interrupted by mobs, if they came in on the day of the polling?—It is, and it is invariably the custom in contests; the people know that the strength of the landlords lies so much in the liberties, that they post parties on the different avenues leading to the town, for the purpose of intercepting those voters; and that was found to be so effectual a barrier to their coming into the town, that in all cases in which I have known anything about it, it has been necessary to send out the night before, and bring the people in the course of the night, so as to save them from that intimidation and violence.

6900. Mr. *Bright.*] Where were they kept during the night?—In private houses, and various places.

6901. What number of voters were so brought in, do you think, during the night?—I would say that I have known 100 voters to be brought in in that way, and disposed of in different places.

6902. Mr. *Hunt.*] Are those voters that are brought in in that way voters who are likely to vote against the priest's candidate?—Yes, and it is also practised on the other side.

6903. Sir *George Grey.*] Are they Roman Catholics that are brought in in this way?—The majority of those voters are.

6904. And they all vote with their Protestant landlord, do they?—Those farmers who are so brought in generally do; or they very often give one vote to their landlord and one to the priest.

6905. Mr. *Bright.*] I think you said that the same thing was practised on the other side?—Yes, it has frequently been the practice on the other side that parties of men, should go out also in the night before the election to people that they believed would vote against them, and take them out of their beds, and bring them in and keep them prisoners until they have polled; I have known that to occur.

6906. Mr. *Hunt.*] Do you think that if you had

had the ballot, this system of intimidation would be put an end to?—I do not.

6907. Why do you think not?—Because I have no faith in its being kept a secret on one side, and that the intimidation would be used in order to make them promise, in the first instance, and afterwards to shew them what they could expect if it was found out that they had voted in any way contrary to the wishes of the mob.

6908. Do you think that the voters there are sufficiently intelligent to understand the system of ballot voting?—I do not; that is another great objection.

6909. Can they mostly write?—The younger voters of the present generation generally can, but the elderly people cannot.

6910. Supposing that they voted by putting a ball into the ballot box, they could be sufficiently intelligent to understand that, could they not?—I have known it to be productive of so much confusion, even at gentlemen's clubs, that the club which I belonged to in Limerick, in which I am on the committee, were obliged to alter the system in consequence of the continual mistakes.

6911. Do they vote openly now?—No, they vote now by written papers.

6912. You mean that so many mistakes were made when they voted by ball?—Yes.

6913. Mr. *James.*] Are the mobs which you have spoken of employed entirely by one side?—If the contest has been Conservative and Liberal, the mob has been invariably on one side, because the Conservatives would have no chance of opposing a mob against the unanimous feeling of the priests.

6914. Was not it an allegation on the trial of the petition that the mob was employed on the one side, because it had been employed by the other; was not that the ground of the Committee's decision that it was *bonâ fide* employment?—I do not recollect; I do not think that that was the ground. It is absolutely necessary to employ mobs on both sides for the canvassing, but at that time the heat has not reached so great a pitch as it does at a subsequent stage of the election, but generally the mob which is guided by the priests is so powerful, when the excitement becomes great and intense, that the other mob is obliged to disappear.

6915. Why is it necessary to employ mobs on both sides for the canvassing?—Because when the candidates go out they are followed by large mobs, and the candidates who are opposed generally to the policy of the priesthood, would be subject to very great insult, and possibly to injury, if they did not surround themselves by a certain number of paid supporters.

6916. Then, for that purpose both sides do employ mobs?—Yes, they do invairably.

6917. *The O'Connor Don.*] With respect to the case of hiring mobs, you stated that as a rule mobs are hired previous to the day of election by both sides?—Yes, such has been my experience.

6918. With respect to the last contest which took place in Limerick, was there a contest expected for any long time before the election?—There were a great many rumours; but there was nothing fixed until a very short time before. I think it was the Sunday before the election there was a public meeting held, and at that meeting on the Sunday before the election, I think, was the first real intimation of an actual contest.

6919. And what was the first evidence of the hiring of a mob at the last election?—The first evidence of the hiring of a mob at the last election was, I think, proved on the petition that several gentlemen who belonged to the committee of Messrs. Russell and Gavin, stated that they would be afraid to go out to canvass unless the conducting agent hired a mob to protect them.

Mr. *J. Spaight.* 4 June 1869.

6920. Then, the evidence is, that the first mob that was hired at the last election was hired on the Liberal side?—I do not believe that they were hired.

6921. But is it, or is it not the fact, that persons, the supporters of Messrs. Tait and Pigott, went about from Monday morning before there was any other mob in the town with a very large mob frightening and intimidating people?—There was a very large canvassing party went out, and they were followed by a very large crowd.

6922. A very large crowd, many of whom were under the influence of drink?—No; I saw them, and they were not.

6923. You would not call, first of all, the canvassing party that went out a mob?—I would call it a mob; but I believe they were not an organised and paid mob.

6924. I believe you stated that Sir Peter Tait issued no address?—I did not state that; but I believe it to be the fact.

6925. Was not there an address issued in his name?—I really cannot say.

6926. Have you not heard that an address was issued by George Francis Train?—I saw it.

6927. It was in Sir Peter Tait's interest apparently?—Yes.

6928. So that Sir Peter Tait did not come forward as the regular Conservative candidate, but as the nominee of George Francis Train?—Sir Peter Tait, I think, was brought forward by many of those who supported him as embodying what they believed to be true Liberal principles; he never stated exactly his political creed.

6929. He never issued any address stating his political creed; but there was an address issued in his name by this gentleman?—I saw an address by Mr. Train; but nobody attached an importance to Mr. Train's placards.

6930. I understood you to say that the Conservative party did not support Mr. Pigott?—Certainly not.

6931. You yourself did not vote for him?—I did not.

6932. Your brother, I believe, is an elector for Limerick?—Yes.

6933. Do you know how he voted?—I believe he voted for Tait and Pigott.

6934. Did any other influential Conservtives vote for Mr. Pigott besides your brother?—I believe they were the exception to the rule.

6935. I presume your brother is an influential Conservative in Limerick?—He is not resident in Limerick now.

6936. But he is the brother of the man who is the chosen Conservative candidate?—Yes, he is.

6937. Do not you think that his voting for Mr. Pigott made it appear that the Conservative party were in unison with Mr. Pigott?—It was perfectly well known that the Conservative party, as a party, would not support Mr. Pigott.

6938. But, at all events, the brother of the man who had been the Conservative Member did vote for Mr. Pigott?—It so happened, unfortunately, I think.

6939. That was publicly known by what I might

Mr. *J. Spaight.*

4 June 1869.

might call the Fenian sympathisers in Limerick?—I do not know that it was publicly known; it was known.

6940. Do you think that any use of that was made in order to induce persons who supported Mr. Pigott to support Sir Peter Tait?—I never heard of it; in fact it was rather a surprise.

6941. You say that the town was perfectly quiet on the day of the polling up to one o'clock?—Yes.

6942. But it was not perfectly quiet on the previous days I believe?—No, indeed; quite the contrary.

6943. There were two rival mobs on previous days, were there not?—Yes, there were two mobs on previous days. I believe it was on the day of nomination that Hill was killed in the street.

6944. What day was the nomination?—My memory is not good enough to tell. I think it was on the Monday.

6945. And the polling on the Wednesday?—I am not quite certain.

6946. I think I am correct in saying that the nomination was on the Tuesday, and the polling on the Thursday?—It may be so.

6947. So we have it then stated that, first of all, the body that went out canvassing was on the Monday, and that body was accompanying the supporters of Sir Peter Tait and Mr. Pigott?—Yes.

6948. Was there any mob in support of Mr. Russell and Major Gavin upon the day of the nomination?—I really cannot answer that.

6949. Are you not aware that the allegation made before the judge in trying the petition, with respect to this mob, on the side of the Liberals, was that the Liberal candidates were afraid to go out to canvass in consequence of the town being in the possession of a mob in the interests of Messrs. Tait and Pigott?—It was so stated on the petition.

6950. Do I understand you to say that you agree with Mr. Murphy, that at nearly all the elections in Limerick there has been a great deal of this mob violence?—There has.

6951. And you attribute the intimidation, you say, to a great extent, to the harangues of the priests?—Yes.

6952. You refer to the influence of the priests over the voters as being two-fold; first over the voter himself, and secondly over the non-elector, or mobsmen to frighten the voter?—Yes.

6953. Do you not think that if the ballot were established it would at least get rid of the second influence of the priests over the voter through the mob and non-electors?—I think it would modify it; I do not think it would get rid of it.

6954. Is not that the sort of thing which is at present complained of, the interference with voters by non-voters, and the influence of the priests?—Yes.

6955. You think that the ballot would modify that?—I do.

6956. You state, do you not, that although the ballot would be a protection to the voter against the landlord, it would be no protection against the priest?—Not to the same extent; I said that with regard to the humbler classes.

6957. Upon what grounds do you state that?—Upon the grounds of the extraordinary influence I know the priests to possess upon that class of the people.

6958. You think that the priest can influence the minds of those people?—Yes.

6959. And persuade them to vote for a certain man as the right course to adopt?—I think that they could persuade them to anything.

6960. Therefore they would persuade them that a certain candidate was the right candidate, and the man would vote for him; is not that so?—They would persuade them that a certain candidate was the right candidate, according to their views, and that would very much influence them to that view.

6961. They would influence the minds of the voters, and make them believe that a certain course of policy was the right one?—Yes, certainly.

6962. Do not you think it right that a voter should vote in accordance with his conviction?—Yes, in accordance with his own convictions.

6963. As I understand you, those would be the convictions of the voter after the priest had spoken to him; he would believe it to be the right course?—Possibly.

6964. In case he did not believe it to be the right course, do you still think that, believing the priest to be wrong, he would vote as the priest told him?—I believe that they would be afraid to oppose the priest, both on the ground of his own relation to them and to the risk of the consequences of violence of non-electors.

6965. If the ballot were established, there would be no risk of this violence through the non-electors, because the non-electors would not know how this man would vote, and being a Catholic, and being supposed to be Liberal, it would be supposed that he had voted Liberal, would it not?—It would.

6966. Therefore, if he voted the other way the non-electors would not interfere with him, because they would not know it?—I believe they would find it out.

6967. How would they find it out?—Through the priesthood.

6968. Do you think that if a man voted against the advice of the priest, he would afterwards come and tell the priest that he had so voted?—I think it would come to the knowledge of the priest.

6969. How could it come to the knowledge of the priest if it were a *bonâ fide* ballot, except the man told him?—Of course the man should tell it.

6970. And do you think that he would tell it?—I do; I believe he would not refuse.

6971. Although he would refuse to vote in accordance with the priest's advice, you believe that he would not refuse to tell him afterwards, knowing that the consequence of it would be that he might be personally injured; that is your inference?—That is so to a great degreee. Of course it is not so as a general rule, but to a great degree I believe it would be so.

6972. You believe that a man who would act contrary to the advice given him by his clergyman would afterwards, knowing that the result of his telling him would be his personal injury, would go to the clergyman and tell him?—I do not believe that they would go the clergyman, but I believe that the clergyman, if the result was different to what he anticipated, would endeavour to find out, and he would find out any instances in which those promises were not kept.

6973. He could not find out, except through the voter himself?—Yes; he might through his family, or those to whom the voter had communicated it.

6974. Do you think that a voter, having voted in that way, and who would subject himself, if known,

known, to violence, would divulge it?—I think he would divulge it, perhaps, under the influence of drink, or in an unguarded moment; and those people cannot of course have that reticence that educated people have, and it would be sure to come out.

6975. Do you think that advantage would be taken of divulgence under such circumstances to punish the man?—Yes.

6976. And you think that that would be done to a very great extent?—Yes.

6977. You stated, did you not, that you did not think that the Limerick voters were intelligent enough to understand the action of the ballot?—I stated that, as regards the humbler class of voters, I thought it would be very difficult to devise any system of secret voting which would not be full of mistakes and difficulties, so far as they were concerned, that is as far as I can form an opinion.

6978. Do not you think that the people in that part of Ireland are as intelligent a class as in any other community?—Yes, I do.

6979. The ballot has been found to work satisfactorily, has it not, in other countries amongst the humbler classes?—I have stated a case in which it was found not to work satisfactorily.

6980. You refer now, do you not, to the Limerick Club?—Yes.

6981. Do you say that the people in the Club of Limerick are not able to understand the ballot?—The people in the club in Limerick, I believe to be as intelligent as in other clubs; but so many difficulties have arisen in consequence of mistakes with the black and white balls, that the committee of the club have determined to change the system, and they have changed the system.

6982. Might there not be a system of ballot which would not require those black and white balls?—If there could be a system in which there could be no mistake, then that objection would not exist; I know of none.

6983. Then your objection upon this ground is to adopting exactly the same system as was carried on in the club of Limerick, and our clubs generally?—Either to that, or having written names for the voters which they cannot read.

6984. Is there a great proportion of the voters in Limerick who cannot read or write?—There are some, I should say not a very large proportion, and they are confined chiefly to the elderly voters who have not had the advantages of the recent improvements in education and schools.

6985. You stated, I think, that it was proved in 1865 that the priests had paid for organised mobs; I suppose that that appears in evidence in some public document?—I do not quite like to say that without qnalifying it. My recollection will not go that length; but I know that the priests were engaged in the hiring and in the paying of the mobs; to my own knowledge.

6986. Are you aware that almost every contested election in Limerick has been followed by a petition?—No.

6987. There was a petition after the last election, was there not?—Yes.

6988. There was a petition after the election of 1858?—Yes.

6989. There was a petition by Major Gavin after you were returned?—There was a petition in 1859.

6990. And there was a petition against Major Gavin at the preceding election?—No; the preceding election was my election, and there was no petition then.

6991. It was the one preceding, the same year when Major Gavin was returned and unseated?—Yes.

6992. Was it proved in any of those cases that the priests had paid for organising mobs, because you stated that your belief was that it was proved in 1865 that the priests had paid for organising mobs?—The reason why I came to that conclusion was, because I knew it to be the fact, and I supposed naturally that it would be brought forward on the petition, but I cannot state it from absolute recollection of the particulars.

6993. Sir *Frederick Heygate.*] Is there any general desire for the ballot, as far as you know, in Limerick?—I believe there is amongst the Liberal party; they wish for it; but certainly not amongst those whose opinions I represent.

6994. On what ground do you say they wish for it?—I think chiefly for the purpose of getting rid of those frightful scenes of violence and intimidation at the nominations and during the whole period of the election.

6995. If nominations were abolished, probably there would not be that reason for the ballot?—I hope most sincerely that nominations will be abolished, because they are most frightful scenes.

6996. Do the clergy generally take an active part at Limerick in the elections?—None but the clergy that I have already described; that is to say, the parish or secular clergy of the Roman Catholics.

6997. You say that the Roman Catholic clergy do take an active part?—Yes, that portion of the Roman Catholic clergy that I have described. There is a large proportion of the Roman Catholic clergy that take no active part in it, such as the Redemptorists, the Augustinians, and the Franciscans.

6998. Did you ever know of the clergy of any other denomination taking an active part?—No, not beyond recording their votes.

6999. When you say not beyond recording your votes, what do you mean by taking an active part; do they canvass?—What I mean by that is, throwing themselves into the election by going out in bodies to canvass, by making speeches both in the streets and at their own chapels, and otherwise throwing themselves into the contest as agents generally. At the late elections, for the purpose of allowing them a place in the booths, they have been appointed by different conducting agents as personation agents; we read it in a different way, we imagine them to be appointed as intimidation agents, because their presence in the booth has a very great moral effect upon their poorer parishioners as they come in to record their votes.

7000. Do they stand upon the hustings and see the votes recorded?—They stand in the committee-rooms, and as agents they are to be seen in every movement connected with the election prominently.

7001. Does that excite the displeasure of the voters?—A very large class of the respectable and independent Roman Catholics have often expressed to me how shocked they were to see their clergy in such a position.

7002. Do you consider that that has great influence upon the mode in which the franchise is given?—Very great influence indeed.

7003. Have you ever known any instances of the

Mr. *J. Spaight.*
4 June 1869.

the effect of the displeasure of the priest?—I cannot say that I know particular instances, but I know that there is a very general impression that it is the threat of that personal displeasure that influences the poorer class of voters.

7004. In what way has that displeasure been shown; do you know any instances of its being shown?—I do not like to give any evidence of what I may have heard, and which I cannot substantiate, and therefore I would rather not mention any instance.

7005. But you consider that it is a notorious fact that it is so?—Yes.

7006. And you do not think that the ballot would cure that evil?—I do not; not fully.

7007. Are politics, in Limerick, always connected with religion?—Unfortunately they are almost always; politics were not connected with religion in the case of Messrs. Ball and Gavin, because they were both Roman Catholics, and both Liberals.

7008. But, as a rule, religious subjects always come into consideration, do they?—Yes, generally; in my own contest against Mr. Ball I was supported by a very large and influential class of priests, although known to be a Conservative, and by Mr. Ball being known to be a Liberal and a Roman Catholic.

7009. Are those voters that you are speaking of principally, and in fact, nearly all resident in the town of Limerick?—I think nearly one-third of the voters, perhaps not quite one-third, reside in the rural districts, which are very extensive, and which are comprised within the Parliamentary limits.

7010. Are they people with agricultural holdings, and people over whom the landlords would be supposed to have influence?—Yes.

7011. But in the town it is not so?—No; the landlords have no influence in the town, and they exercise none.

7012. In those cases where the landlords have no influence, or are supposed not to have any, which way do the tenants generally vote?—The majority of the poorer class in the town generally vote with the priests and the Liberal party.

7013. In fact, would you say that they have no politics of their own?—I would not say that.

7014. You say that they do exactly as the priests tell them?—I believe that the humbler classes are influenced to a very great degree by the priests, and by the intimidation that they would be subject to if they went in opposition to them.

7015. Assuming the ballot to exist, do you think that the priest would ask the question of the voter afterwards how he voted?—As I have stated before, I believe that the priests cannot be kept in ignorance of how the humbler members of their flocks voted.

7016. Therefore you are no advocate for the ballot at all in fact?—No.

7017. Mr. *Leatham.*] You stated, did you not, that in the club at Limerick the ballot had been abolished?—Yes.

7018. Do the members vote by written papers?—Yes.

7019. Do they sign those papers?—No.

7020. Then it is not known how each man votes?—No.

7021. You do not call that voting by ballot, do you?—It is a mode of balloting.

7022. At any rate this mode of voting by ballot enables you to get over the difficulties which belong to the other system?—Yes.

7023. You do not think that this mode of voting is applicable to voting for candidates at a Parliamentary election?—I think it would be an improvement upon the present system, but it is subject to a great many difficulties.

7024. You do not object, then, to votes being taken by this kind of ballot at the Parliamentary election?—No.

7025. Are you not aware that that is the kind of ballot which is practised in Australia?—I am not.

7026. Mr. *Brand.*] You were a candidate for Limerick in 1859, and again in 1865, were you not?—Yes.

7027. And I understand you to say that you lost your election on both occasions through the intimidation by mobs?—I believe so.

7028. Did you petition against the return in 1859?—Yes.

7029. What was the result of that petition?—The Committee told each side to pay their own costs, and they declared, although they acknowledged the existence of intimidation and violence to a certain extent, that I failed to bring it sufficiently home to the candidates or their agents for them to unseat them.

7030. In fact the sitting Members were seated?—They were.

7031. Did you petition in 1865?—No.

7032. Why not?—Because I considered the question of violence and intimidation to a certain degree legalised by the former decision of the Committee of the House; and I thought it useless to go with the same complaint again to the same tribunal.

7033. Was there any petition in 1868, last year?—Yes.

7034. What was the result of that petition?—The result of the petition was that the Members were seated.

7035. Sir *George Grey.*] Did the judge give his reasons for that decision?—He did, very fully.

7036. Did he admit the truth of the great disturbance and intimidation, or did he think that in that proof you had failed?—I really cannot say; I did not hear him give his judgment, and I never read it.

7037. Are the great majority of the population of the Parliamentary borough of Limerick Roman Catholics?—They are.

7038. What proportion of Protestants is there in the constituency?—I am unable to give an exact answer to that question, but I fancy that there are somewhere about 600 to 800 Protestant electors.

7039. Out of what constituency?—Two thousand, I think.

7040. I suppose that no clergy but the Roman Catholic clergy would be likely to have much influence, even if they wished to exercise it upon the lower class of the constituents?—Certainly not.

7041. You have not told us what steps were taken by the authorities in Limerick to put an end to those disturbances and to this violence, which produces so much intimidation?—The only step that I know to be taken by the authorities was what was proved upon the petition by some of the magistrates, that they suggested the hiring of a mob.

7042. To whom did they make the suggestion?—It was at one of their own committee-rooms.

7043. Then

7043. Then they were not sitting at that time as magistrates, but as members of the committee?—No, as members of the committee merely.

7044. What steps were taken by the mayor and the magistrates generally in the exercise of their authority to put an end to those disturbances, and to protect the voters from violence and intimidation?—The magistrates of Limerick are a very large body; they are most of them very active political partisans, and it has been found expedient at recent elections to place the peace of the city entirely, or almost entirely, in the hands of paid magistrates; and at the recent elections most of the stipendiary magistrates have been brought from other parts of Ireland to take charge of the police and the military, and to protect the citizens generally.

7045. Have the police and the military under the direction of the stipendiary magistrates taken any steps to protect the voters from the intimidation which you have spoken of generally at elections?—In the case of my election in 1859 the police, under the direction of the stipendiary magistrates, fired upon the mob and killed two of them, and wounded several in protecting the house of a person who had voted for me from being wrecked.

7046. Without proceeding to such extremities, were any arrangements made before the election for such a distribution of the police, or such employment of the civil and military force at the command of the magistrates as would afford any protection to the voters?—Generally the city is allotted out in districts and the magistrates take charge of each district.

7047. Those are not stipendiary magistrates, but local magistrates, who you say are partisans?—Formerly it was the local magistrates, latterly it has been the stipendiary magistrates. In 1859, the misfortune was, that, at the very moment the magistrate was required, he was not to be found, and the magistrate who was in charge of the military upon the bridge leading to two of the most important polling places when the stone throwing commenced, thought it prudent to retire to some safe place, leaving the soldiers in possession of the bridge; and the officer failing to get any assistance, and being unable to act without the directions of the magistrate, after enduring a certain amount of stone throwing and violence of that kind, very quietly marched his men away and gave up his post.

7048. Do you know what was the number of the police in Limerick at the last election?—I cannot say.

7049. You are a magistrate yourself, are you not?—Yes.

7050. What is the ordinary police force in the borough of Limerick?—I should say somewhere about 100, but I am not quite certain.

7051. Were any brought in from the surrounding country?—They are always drawn in in great numbers from the surrounding country.

7052. In addition to a large number of police, what number of military were there in the town at the last election?—I think the only addition to the military at the last election was a squadron of cavalry.

7053. I am not speaking of addition; but what was the number of the military actually in the town at the time of the election?—There is generally a regiment of infantry, a squadron of cavalry, and a battery of artillery; that is the usual garrison of the town.

7054. To which was added another squadron of cavalry?—Yes.

7055. And with all that military force, and with the ordinary police force, and an extra police force brought in, in large numbers, no effectual protection could be afforded to the voters?—No. My house, on Sunday evening, in 1865, was wrecked in the presence of a squadron of lancers; and absolutely the stones came over their lances.

7056. Was there a magistrate present upon that occasion?—There was.

7057. The soldiers merely looked on and saw those proceedings?—They could do nothing else; cavalry cannot go on flagged footways. The police charged upon that occasion to disperse the mob, and one man was killed.

7058. But do the cavalry patrol the streets when those disturbances are going on?—They do; but the disturbers take very good care to do their work when the cavalry are a good distance away from them.

7059. Mr. *Leatham.*] Will you explain the meaning of the word "wrecked"?—The meaning of the word "wrecked" is, that not a whole pane of glass is left, and that every room in the house is filled with stones of all dimensions, and the furniture and everything broken; in fact, as long as they can see anything to throw at.

7060. Did the mob go into the house?—No, except in some cases. In the case of Mr. Russell's election, in 1852, they did go into the houses, and threw the furniture out of the windows, and took the property of the trader, consisting of whiskey, and porter, and groceries, and spilt them into the street; and in the case of an apothecary, whose house I saw wrecked for voting for Mr. Russell, they took out all his physic and threw it into the Shannon. Mr. Russell was at that time a Conservative, but he has changed sides since.

7061. Mr. *Hunt.*] When your house was wrecked upon that occasion in the presence of the military, and in the presence of a magistrate, had the Riot Act been read?—I do not think it was read.

7062. Did anyone call upon the magistrate to read the Riot Act?—I do not think that the Riot Act was read; but the police charged with fixed swords, and one unfortunate man, who, I believe, was no rioter at all, an elderly man, who was unable to get out of their way, at the corner of the street, was run through and killed.

7063. Mr. *Bright.*] You stated, did you not, that on some occasions the priests are in the booths when the polling is going on?—On all occasions latterly.

7064. Are all the landowners and the agents, and gentlemen taking a great interest in the election also there?—No one has a right to be there except those to whom the law gives a professional status there; and in order to give the priests a status, they are appointed agents.

7065. Who appoints the agents?—I believe the conducting agent does it, and he returns them to the sheriff.

7066. But has the Mayor of Limerick no power over it; is he not the returning officer?—No; the sheriff, not the mayor, is the returning officer.

7067. Do any of the landowners from the neighbouring country (that is to say, the liberties as you call them), with their agents, also attend the

Mr. *J. Spaight.*

4 June 1869.

the polling booths?—I believe not in the capacity of agents.

7068. I am not asking that; but did you never see any of the neighbouring landowners or their agents in the polling booths whilst the polling was going on?—Yes, certainly to vote.

7069. And staying there?—No.

7070. Never?—I believe they would not be allowed.

7071. *The O'Conor Don.*] Do you believe that there is anyone allowed in the polling booth except voters and men actually going up to vote?—And those who are agents, who are necessary to carry on the business of voting.

7072. But no one but regular agents and voters actually going to vote are allowed in the polling booth?—I believe such is the rule; I mean inside the polling booth.

7073. Mr. *Hunt.*] Persons appointed on each side to look after their interests, and those only are allowed who are nominated on each side, and who enter with the permission of the returning officer?—Certainly.

7074. Mr. *Bright.*] Did any landowners or their agents sit in the polling booth as officials in the same way that the priests did on the other side?—Not to my knowledge.

7075. I think you have said that, as regards the influence of the mobs, and in fact, as regards every influence, except that exercised by the priests, which rather coincides with the Liberal party, the ballot would be an advantage?—Yes; I believe that it would modify greatly the great evils of the present system to a certain extent.

7076. If the priest element could be taken away from Limerick, then the ballot might be a desirable system to try?—If they could be taken away from active proceedings in elections, I believe it would be a great means of making them a more orderly and correct representation of the feelings of the people.

7077. You suppose that the priest has a mode of getting out the most secret actions of their parishioners or their congregations which other persons have not?—I do.

7078. And that is the reason that you think with regard to the case of the priests, the ballot would not be an effectual screen to the voter?—Not with the humble voters.

7079. If it were a screen to the voter from the priest, possibly you would think that a great recommendation in favour of the ballot?—Yes.

7080. Sir *George Grey.*] With regard to those voters that you said were brought up from the country districts to vote in a body, if they were left entirely to the free exercise of their own will, how do you suppose they would vote; would it be in accordance with the will of the landlord?—I believe if they were left entirely to their own will, and if they had not made up their minds to go with the popular party, they would stay very far away from the contest altogether, and would not vote at all.

7081. Then they do not come of their own free will, but they are brought up by the landlord under an escort to vote; is that the case?—It so happens when they promised the candidates that unless the landlords or their agents, or some person in authority, meet them, and escort them through the town with a sufficient amount of military and police to protect them, they could not reach the polling booth at all.

7082. I want to know whether you think that that protection is given to them to prevent their being intimidated, or whether it is in order to prevent their voting contrary to the wishes of their landlord?—Clearly to prevent them being intimidated on their passage from the railway terminus, or wherever they arrive in the town, where the mobs have established a reign of terror.

7083. You think that if they were left entirely to their own free will, they will vote just the same?—Yes, if they could safely.

7084. But they would rather stay away altogether?—Yes, rather than risk a collision with the mob.

7085. But it is not from any fear of the priests that they would stay away; you said that they were Roman Catholics, and you said that the priest has great influence over the lower class of Roman Catholic voters; but still those being Roman Catholic voters, they still vote in most cases with their landlord, which is against the influence of the priests; do you mean that if they were left to their own free will, they would abstain from voting, in order not to offend the priest?—Yes, I think they would rather abstain from voting than offend the priest.

7086. Is it not the case that those means are taken by the landlord to secure their vote against what would be their inclination, or what they believe to be their interest if they were left to themselves?—Their inclination and their interest, I believe, would be to oblige and go with their landlords; the great majority of them care very little between the two political parties.

7087. Mr. *Bright.*] Is it within your knowledge that the landlords and their agents exercise a very strong pressure upon their tenantry at all the elections for Limerick?—In many cases, certainly they express their wish that their tenants should support certain candidates.

7088. But if in any case the landlord's influence is what we should call undue and illegitimate, it is your opinion that the ballot would be a security to the tenant against that, though it is not against the priest?—Yes.

7089. On the whole, your system of election at Limerick can hardly be called an advantage to the city, I should suppose?—The elections in the city of Limerick just now are a most mischievous farce, because they really are not elections; the candidates are nominated not by the electors, and it is impossible to get anything like a fair expression of opinion by the votes of the electors under the present system.

7090. You spoke against the system of nomination; do people attend the nomination in great numbers?—The mob do in great numbers, not the voters.

7091. And generally speaking, is the oratory of the candidates listened to with attention?—At the recent election at Limerick there was not a word heard on either side, and on the last of my elections there was no word heard on either side till all my friends were bodily kicked out of the court-house.

7092. Then a dissolution of Parliament is the announcement of an occurrence something like a civil war in the city of Limerick?—It is impossible to conceive anything more dreadful than the scenes at contested elections in Limerick. At the nomination-day, which I have alluded to, my friends got a gallery to themselves in order to keep from anything like personal conflict. Unable to reach them in any other way, they commenced throwing missiles first from one side, and then

then from another, until the scene in the court-house was the most dreadful that it was possible to conceive; stones, bottles, and broken furniture of the court-house were as thick as hail flying from the Liberal party below to the other party in the gallery, and returned with interest, and the whole scene was the most frightful. I was dragged off the hustings myself, and my life was, I believe, saved by the exertions of the conducting agent of Mr. Gavin, the late Mr. O'Donnel, who dragged away two men who were trampling me on the floor of the court-house, and helped me up again on the hustings.

7093. Have you any opinion as to the propriety of closing drinking houses on the day of the election?—It would be the greatest possible advantage.

7094. Beyond that, and beyond the question of the ballot, has your experience led you to any conclusion which you could indicate to the Committee as a remedy for the present state of things?—There is no question that if that wholesale distribution of drink could in any way invalidate an election it would be a good thing and an immense gain. It is patent to everyone that at an election in Limerick 1,000*l.* is often spent in distributing whisky, and the consequence of that is the utter debauchery and demoralisation of the whole population during the excitement.

7095. *The O'Conor Don.*] Is that distributed on both sides, or only on one side?—It is distributed on all sides.

7096. With regard to those persons in the polling booths, you stated that many Roman Catholic clergyman in Limerick are appointed as agents in order that they may be within the polling booth itself?—Yes; that they may have a right to be within there at all times.

7097. Is that carried to any great extent?—To this extent, that almost in every booth there is one.

7098. Where are those polling booths put up?—They are put up at the option of the sheriff in any locality; there are eight wards in the city, and there must be a polling booth in each ward; the sheriff has the option of appointing where a polling booth shall be placed, but it must be within the ward.

7099. Is the polling booth a room in itself, or is it merely a division of a room?—It is generally a small room.

7100. Opening on the public highway, or into other rooms?—Opening on the public highway.

7101. You stated, did you, that landlords or their agents would not be allowed into this polling room or booth, except they were agents?—I stated that I believe that such is the rule; that anyone could call upon the sheriff to put out a person who was not authorised to act officially for either of the candidates.

7102. Have you ever seen them standing at the door of those polling booths?—I have not.

7103. Mr. *Bright.*] In speaking of the sheriff, is the city of Limerick a county?—Yes.

7104. And so the sheriff takes the command, and not the mayor?—Yes; it is a county of a city.

7105. *The O'Conor Don.*] Is there a separate sheriff for the city of Limerick?—Yes, there is.

7106. Sir *George Grey.*] Does this excitement subside rapidly after the election is over; do parties live on good terms with each other in the interval between one election and the other?—They do after a certain time. There is a great deal of bitterness, and a great deal of bad feeling exists for a certain time, but it generally subsides until it is evoked again by another contest.

7107. Is there any exclusive dealing between the different parties?—No; happily there is none that I have heard of.

7108. You say that there was a petition against the last election, and that was heard in the city of Limerick itself, was it not?—Yes.

7109. Was there any intimidation exercised towards witnesses coming to give evidence in support of that petition?—Yes, a complaint was made to the judge of one of them being assaulted, and I have heard a principal witness say that he dared not go there at all; he dared not show his face there.

7110. Was there anything like the same kind of intimidation which you described as exercised at the time of the election; were there any mobs?—No, there was no danger of such intimidation.

7111. Sir *Frederick Heygate.*] Who is the returning officer of the city of Limerick; is it the sheriff of the city or of the county?—It is the sheriff of the county of the city.

7112. Mr. *Brand.*] Did the priests receive any pay for their services in the polling booths?—I cannot say, but I believe not.

7113. *Chairman.*] Mr. Murphy stated, in answer to a question from me, that, as regards voters in rural districts, it was a perfect struggle between the landlord and the priest as to which should get the vote; do you agree with that?—Yes.

7114. Do you think that the voter votes according to his own inclinations?—I think if his own inclinations were consulted, he would not trouble himself to vote at all in most cases.

7115. When he does give his vote he gives it either because his landlord wishes it, or because his priest wishes it?—Generally, in many cases.

7116. *The O'Conor Don.*] You, I think, say that you do not believe that, as a rule, rural voters have strong political opinions of their own, or any political opinion of their own?—I believe they have, to a certain extent, but not as between the two parties that are generally opposing. I believe that their feelings now are of a different kind altogether; what they call national feelings.

7117. *Chairman.*] When there is any religious question under discussion do you think it probable that a large Roman Catholic majority would vote for a Protestant candidate rather than for a Catholic candidate, if they could vote quite freely?—I believe that religious feeling has a very great effect upon them in directing their votes.

7118. Sir Peter Tait polled a considerable minority, did he not?—He did, I think, within 70 or 80 of the lowest successful candidate.

7119. Do you not think that that minority, so far as it was composed of Roman Catholic votes, must have been considerably owing to the influence of landlords?—Sir Peter Tait occupied a very peculiar position. I believe that a very great many Roman Catholics voted for Sir Peter Tait, under the impression that he would vote in religious matters in accordance with their views, and their opponents were under the other impression; he never gave any signification himself of how he would vote.

7120. You stated that on the day of the polling there was a great deal of rioting and violence about one o'clock; do you think that that had an influence

Mr. *J. Spaight.*

4 June 1869.

influence on the election?—Yes, I am sure it had.

7121. Do you know any voters who were actually prevented from polling by the violence which prevailed?—I know of a voter who was one of a party who had come from the rural district, and after he had voted, and was in a house taking some refreshment, the mob rushed into the house and beat him to that extent, that I thought his life was endangered, and I know that that had a very great effect amongst all who were aware of it, in deterring others from coming under the same treatment; that man's name was Coffey.

7122. Could you, if it were necessary, name individuals who, to your own knowledge, were prevented from polling?—No.

7123. Could not the voters be better brought up to the poll by military protection?—I have seen a large force of military and police totally unable to bring up voters to the poll.

7124. Were they unable on the last occasion?—On the last occasion I did not see the military employed at all.

7125. Still you believe that voters were actually prevented from polling by fear?—Yes.

7126. You think that if you had the ballot, the priests would still know how a great number of their parishioners voted?—Yes.

7127. And what use do you think they would make of that knowledge?—I cannot pretend to say what use they would make of it, but I think that it would come to their knowledge, and that that would certainly have a very great influence upon the voters, and would subject them perhaps to odium, and possibly to violence and intimidation.

7128. Do you think that they would denounce them to their congregation?—I would be sorry to go so far as that, but I believe that it would become known, and that they would become sufferers.

7129. Do you think that the priests would then publish the knowledge that they had obtained?—I do not say publish; I say that I think it would become known, and that they would suffer in some degree from such knowledge.

7130. If the priest obtains the knowledge, and it becomes known, the priest must publish it, must he not?—I think there is a distinction between publishing it and stating it. I do not know that he would state it publicly.

7131. But he would tell somebody else, you think?—It would be divulged and become known.

7132. And it would be divulged by the priest?—Of course.

7133. Did you take much part in the last election?—No.

7134. Were you in Limerick whilst it was going on?—I was in Limerick, but I took no part in it beyond voting.

7135. You stated, I think, that you did not know whether Sir Peter Tait and Mr. Pigott had a joint committee?—I do not know whether they had or not.

7136. Were you not aware of everything that went on on the Conservative side?—Nothing went on on the Conservative side.

7137. You do not recognise Sir Peter Tait as the Conservative candidate?—No.

7138. You are not aware whether they had a joint committee or not?—No; there are gentlemen here who will be able to give the Committee full information upon that point.

MR. JOHN ELLARD, called in; and Examined.

Mr. *J. Ellard.*

7139. Mr. *Hunt.*] You are a Solicitor residing in Limerick?—Yes.

7140. And you are the town clerk, are you not?—Yes.

7141. Have you known all about the municipal and Parliamentary elections, in Limerick, for some time?—Yes.

7142. You have heard Mr. Spaight's evidence as to the intimidation that is used by the mob at the time of election in Limerick; do you agree with his evidence in the main?—Yes; the mobs exercise considerable influence.

7143. Do you agree with his evidence upon the subject of intimidation?—There were some parts of his evidence which I could not catch well.

7144. Did you hear him describe the way in which his own house was attacked?—I did, and I saw it; I was present that evening; his residence is near to mine.

7145. Did violence and intimidation take place at the Parliamentary elections, previous to 1865?—Yes; I recollect Mr. Russell's election in 1852, and the violence was very great.

7146. Was there a petition in the case of the last election?—There was.

7147. Did Sir Peter Tait petition?—No, not Sir Peter Tait; I think six or seven of the electors petitioned against the sitting Members.

7148. Was evidence given of violence in that petition?—The charges were bribery and treating; they did not go into violence.

7149. Sir *George Grey.*] Did not they charge intimidation in the petition?—No; as well as I recollect, there was no intimidation charged.

7150. Mr. *Hunt.*] But bribery and treating were charged, and the petition was unsuccessful, was it not?—Yes, unsuccessful so far as bribery; there were merely bribery costs given; as to the general costs, each party paid their own costs.

7151. At the last election was there a mob going about at the time of the polling?—I could not say that, for I was the conducting agent, and I was obliged to be in my own house, where parties were continually calling; I was scarcely out during the day.

7152. Who were you conducting agent for?—I was conducting agent for Sir Peter Tait, and also for Mr. Pigott.

7153. Had you any official position with reference to the election; how were you able to be conducting agent, being town clerk?—It does not interfere with the town clerkship. Mr. Murphy, who was town clerk also, has been conducting agent during the same time.

7154. Then the town clerk has no official position in reference to the election?—No, none whatever.

7155. Sir *George Grey.*] Does not the town clerk advise the magistrates as to various matters upon certain occasions?—No.

7156. Is he the servant of the magistrates?—No, it is the magistrates' clerk that advises them, the clerk of the petty sessions; and that is a different office.

7157. Mr. *Hunt.*] Was it the case that the under

under sheriff had stones thrown at him at the election?—He told me so, that when he was coming through the Irishtown from one of the booths, stones were thrown at him.

7158. Is it your opinion that there is any freedom of election at Limerick under the present system?—I think the present system of voting is such that there could not be a really free election in Limerick; a great many are induced to vote, perhaps, in a way that they would not, in order not to create animosity towards themselves.

7159. Mr. *Bright.*] By what means and what forces?—A great number do not wish to be displeasing the Roman Catholic clergyman; they do not wish, and their families do not wish, to have him hostile to them.

7160. Are there any other forces of compulsion besides those of the priests?—Yes; of course in the rural districts, that is, what we call the liberties, there are the landlord and the agent.

7161. Mr. *Hunt.*] Was it established on the trial of the petition that some of the magistrates had been parties to hiring mobs?—There were some magistrates examined, and they stated that in Mr. Murphy's office, when they saw the canvassing party go with Sir Peter Tait and Mr. Pigott, they felt that there would be no safety for them unless there were persons hired to protect them, and Mr. Russell's clerk, Mr. Brown, was sent for, and he was directed to get parties to protect them. The party whom they were pleased to call a mob were respectable electors, a large number of whom had met for the purpose of going out in the canvass, and they were merely going to the electors to canvass. Of course a great many persons attended, out of curiosity, after them, but there was no mob. I was present, but I did not see any mob whatever.

7162. Did the Conservative landlords take any part in the recent election?—No, not as a body they did not; some of them voted, but not generally. There were some tenants of some Conservative landlords who did not vote at all; I refer to the tenants of Archdeacon Gould, and the tenants, I think, of Captain Rose and others. The contest sprung up so unexpectedly and so suddenly, that there were not preparations made even for a canvass.

7163. Was it considered that it was a contest between Conservatives and Liberals?—On Major Gavin's side and Mr. Russell's it might be thought that Sir Peter Tait was a Conservative, and that all who were supporting him were Conservatives, but beyond that there was nothing in it.

7164. He was put forward by the Conservative party, was he not?—No, not at all.

7165. Sir *George Grey.*] Did he not put out any address?—No, he did not.

7166. Nor Mr. Pigott?—No. If I may be allowed to mention, Sir Peter Tait did intend to come forward as a candidate for Limerick; and about, I should say, three weeks or more prior to the election, from the circumstance of his business engaging him, he gave up the intention altogether, and communicated with me, and all preparations then ceased.

7167. Had he announced himself as a candidate before then?—No, he had not; it was generally understood he would be, and he wrote a letter stating his intention of not coming forward.

7168. Upon what political principles was it understood that he was to contest the city of Limeric before he determined not to come forward?—I understood on Liberal principles.

7169. Mr. *Bright.*] Do you call yourself a Liberal?—I do.

7170. Did you support Major Gavin and Mr. Russell before?—I voted for Major Gavin and Mr. Russell.

7171. At this last election?—No, not at this last election. I did not vote at all at the last election; being conducting agent I could not, under a penalty, vote.

7172. Mr. *Hunt.*] Sir Peter Tait was a gentleman who had been mayor of Limerick, and he was a great employer of labour there, was he not?—Yes, and a most popular man.

7173. He thought he had a claim upon his fellow townsmen, without reference to his particular political principles?—I should say that he thought so; he was generally so popular; in fact, everyone was speaking about having him as Member, he was so energetic and active.

7174. Was not he taken up more on personal grounds than on political grounds?—Yes, a great many supported him on personal grounds.

7175. Are you able to tell us what kind of influence the priests use at elections in Limerick?—There are generally meetings held in the evening prior to the election at committee-rooms, and there is a large crowd, a mob of the working classes (I do not use that word offensively), and they assemble outside, and the priests address them and use very strong language.

7176. Do they ever use any threats as to what will happen to them in a future world if they vote contrary to their priests' wishes?—I have never heard anything of that kind as to the world to come, but I have heard them say that they ought to vote for their religion, and vote for their country and for their God, in that way.

7177. They put it on the ground of duty to their God to vote in one particular way?—Yes, that they were bound to vote according to their conscience, which meant voting for the Liberal party.

7178. Do they say that in their chapels?—The chapel which I frequent is one of the regulars, and they do not address them from the altar at all with reference to politics.

7179. But do the secular clergy make use of their positions in their chapels to intimate how the voters should vote?—I have heard so; but I was not present myself. I do not reside near to the parish chapel.

7180. Do you agree with Mr. Spaight, that if the system of secret voting were adopted, the priests still would find out how those members of their congregation voted?—I do not agree with him; I think it would be the greatest public advantage possible for Limerick, if a proper ballot system were adopted.

7181. Do you think that you would be able to maintain secrecy as against the priests?—I do. Elections are looked at in Limerick as bringing so much animosity, and such bad feeling between parties, that even the better classes have really a horror of it when they hear of any probable dissolution of Parliament.

7182. Do you think that people would vote very differently if they voted under a system of secret voting?—I think, of course, that some would. I have heard it stated in Limerick very lately, there were some Conservatives, perhaps, who

Mr. *J. Ellard.*

4 June 1869.

who would not vote for the Conservative side if there were vote by ballot; and, I believe, some parties who profess liberality would vote in the same way, but, I think, under the ballot system the free voice of the people would be exercised. I say, provided it be a proper ballot, as I understand the Victoria ballot to be; but if it were the American system, I think it would be just as bad, if not worse, perhaps, than open voting.

7183. With regard to the damages done at elections in Limerick, there have been presentments made at the assizes, have there not?—Yes; the mobs attack the houses, and wreck them, and in some instances they destroy all the goods that will be in them, and then at the following assizes there is a presentment, and the parties make their claim to have a presentment, in order to compensate them.

7184. Was it the case that at the summer assizes of 1858, 27 *l.* was presented? — Yes, about that sum.

7185. In the summer of 1859, 18 *l.*?—Yes, 17 *l.* or 18 *l.*

7186. At the spring assizes of 1866 over 500 *l.*?—Yes, there was over 500 *l.*

7187. And at the spring assizes of 1869, 88 *l.*?—Yes, something about that. It was a very large sum at the time of Mr. Russell's election in 1852, for there was immense damage done at that time.

7188. Do you know what was the presentment then?—No, I do not remember.

7189. What was the cause of the very large sum that was presented in 1866; what was the damage done that that was to pay for?—I think there was an election in 1865, Mr. Spaight's election, and I think there was also a municipal election; but a large amount was for the Parliamentary election.

7190. Do you know how the damage was done?—Yes, by the mobs. Stones are thrown at the windows of parties; and where they have shops, the shutters are dragged down, and then they get into the shop and they throw everything about, and gut the place. I have known one instance of a man who happened to have been living in Boherbee in the year 1852; his leases happened to have been in a box, and they were torn to pieces, and thrown out into the street.

7191. Sir *George Grey.*] Whom were those damages paid by?—The amount is levied upon the city, under what is called the General Purposes, or Grand Jury Rate.

7192. Mr. *James.*] Do those disturbances exist at the municipal elections as well as at the Parliamentary elections?—On some occasions. Any candidates who can influence men, bring them to their elections, for instance; merchants generally bring their employés and parties in Limerick called corn brokers, and bring every pressure they can by a crowd on some occasions. There are a very large number of persons waiting at the polling booth requesting parties to vote, and they will hoot and groan according to the circumstances; but if they vote for them, they will cheer them.

7193. But are the contests political contests at the municipal elections?—Generally they have been, but the Liberal party nearly have it all their own way, so that latterly there have not been many contests at all.

7194. Do the Roman Catholic clergy take part in them in any similar manner to what they do in Parliamentary elections?—In some of them they take an interest.

7195. Do you see a remedy in vote by ballot, as applied to municipal elections, to cure the evil, as well as the Parliamentary elections?—Yes.

7196. What is the feeling as to the ballot in the constituency; has it been the subject of consideration?—Yes; in Limerick, I think, the majority of the people would be greatly pleased with the ballot.

7197. Does that answer, as far as you know, apply to both sides in politics, or only to one side?—I think that the Conservative party would be anxious for the ballot, if they could get over the idea that the confessional would be used to divulge the mode in which a man voted.

7198. Whatever idea may obtain upon the probability of getting over the confessional, you think that, on the whole, they would approve of the ballot?—No; I have been speaking to some of them, and it appeared to have a very strong hold upon their minds that through the confessional the priests would be likely to become acquainted with the way that the party voted, and that that would influence the party in giving his vote, knowing that afterwards it would be known how he voted.

7199. Mr. *Bright.*] Are you of that opinion?—No, I am not; certainly not.

7200. Mr. *James.*] You think that the priests would not by means of the confessional arrive at the knowledge?—I know that it would be contrary to their duty if they were to attempt it.

7201. *The O'Conor Don.*] Did you ever hear a Roman Catholic object to the adoption of the ballot, through fear that if the ballot were adopted he would be at the mercy of the priest?—No, I cannot bring to my mind that I ever did.

7202. You never heard any objection raised by any one who knew anything about the confessional?—Certainly not.

7203. At the last election you were conducting agent for Sir Peter Tait, were you not?—Yes.

7204. And also for Mr. Pigott?—Yes.

7205. Had they a joint committee then?—No, there was no committee. The election sprung up in a very peculiar manner. There was intended to be no contest. There was a paper published in Cork, which was brought down to Limerick for circulation; that paper had a correspondent from Limerick, and that correspondent used very strong and most insulting language to any one that was at all supposed to be friendly to Sir Peter Tait. That created a very strong feeling amongst the friends of Sir Peter Tait against those parties who had spoken and written in that manner, and that urged them on. They were determined then that they would not be defeated. They considered that it was an unpleasant thing that Sir Peter Tait did not come forward, and that they should afterwards be grossly insulted when there was to be no contest, disgusted them very much indeed. I was not at Limerick at the time; I was attending a fishery inquiry at Ennis. They met, and came to the conclusion to put forward Sir Peter Tait without asking him at all, and then Mr. Pigott, I believe, by some of the parties, was also named in that way; and I received a communication from the gentleman who was acting as chairman of that meeting, requesting to know whether I would act, and stating, with regard to fees, that he would be responsible to me.

7206. Mr. *Bright.*] Who was the chairman of that meeting?—Mr. Kelly.

7207. *The O'Conor Don.*] At that meeting both these gentlemen were put forward, were they not, as candidates?—That meeting took place on the Friday and the election was to take place on the following Tuesday. I was in Limerick that day. I did not know of it exactly at the time, when I saw them it was about half-past five. There was no idea that a contest would really go on until Sunday evening.

7208. Had you on former occasions always voted on the Liberal side?—Yes, I voted for Mr. Russell in 1852, when it was supposed that he was a Conservative, just in the same way as perhaps now, I am called a Conservative, although I voted for Mr. Russell then, and I voted for him afterwards.

7209. Did you vote for Mr. Spaight at his election?—I never voted for Mr. Spaight.

7210. I understand that you are town clerk of Limerick; do you know anything about the municipal elections in Limerick?—Yes.

7211. Do you agree with Mr. Murphy in the evidence which he gave here, that up to the year 1865 those elections were on the whole pure?—No, I cannot say if he stated that; I have not read Mr. Murphy's evidence.

7212. Do you believe that at the municipal election of 1865 a great deal of bribery took place?—I was not in Limerick at that election. I was over here at the time; I merely returned to Limerick the day or two before it, and I did not know what was going on in Limerick.

7213. As a general rule, is there much bribery or intimidation at the municipal elections in Limerick?—I have heard it stated that, in some instances, to qualify parties their taxes have been paid for them or advanced by the party who was seeking for their support, but I do not know it of my own knowledge.

7214. You are not aware of any extensive bribery on any occasion of a municipal election?—No, I am not.

7215. Sir *Frederick Heygate.*] Have the voters in Limerick generally any politics in the English acceptation of the term?—They have more Irish politics than English.

7216. If they had the ballot, how do you think they would vote; would they vote with the landlord or with the priest?—I think in the rural districts they would vote with the priest; the people in the city are rather an intelligent class, and I think that they would look somewhat to the local interests of the city.

7217. Then, where they are an intelligent class they would not vote with the priest?—No, I would not say that.

7218. You say that their principal politics, if I rightly understood you before, are national politics?—I think with the humbler class that is so.

7219. What do you mean by national politics?—The Repeal of the Union and questions of that kind.

7220. Anything more?—Of course there is some of the Fenian element.

7221. The landlords are not in favour of that, I suppose?—No, very much against it.

7222. Are the priests?—I am not an exponent of the priests' principles.

7223. You say that the general wish of the people would be for national politics?—Yes, the priests are for national politics.

7224. Therefore the priests and the people in these matters are in accord?—They are, except those who are of the Fenian principles, and they do not at all accord with the clergymen.

7225. Do I understand you to say that the priests are for the Repeal of the Union?—Yes, I should say so.

7226. Are they not for anything more besides the Repeal of the Union, because that is only one public measure?—Of course they are for tenant right and denominational education.

7227. Sir *George Grey.*] I understand you that you acted at the last election entirely professionally as an agent?—Yes.

7228. As a paid agent?—I was not paid, because I would not take payment.

7229. But you were retained as a professional agent?—Yes.

7230. You did not take any other part in the election than as a professional agent?—No, I was conducting agent; I did not vote.

7231. Mr. *Bright.*] Mr. Spaight told the Committee that at the last election the town was tranquil until about one o'clock, and that afterwards it became very much disturbed; do you confirm that statement?—The conducting agent is generally obliged to be more in his own office for parties to call on, so that I had not an opportunity of seeing the state of the town.

7232. Have you observed at the commencement of the state of the poll at various times in the day, more especially when the poll was running near, that the excitement has been increasd by those statements?—Considerably increased; that has been my experience at former elections.

7233. Therefore you think that if the poll went on, and the state of it was unknown to the public until it was announced by the returning officer at the conclusion of the election, that would tend to the peace of the town?—I consider very much so, because if the poll be at all a close one I have seen the excitement become very great; and on the occasion, in 1852, when Mr. Russell was returned, I think it was either by a majority of four or eight, (and he was then the unpopular candidate), the excitement became intense, and it was then that the houses were wrecked.

7234. Mr. Spaight's evidence goes to show that there are two special kinds of force brought to bear upon the electors; one by the landlords and their agents for the voters outside the town, and the other generally by the priests; is that so in your opinion?—Yes; the priests of course try to exercise considerable influence, and parties who will not go with them suffer a good deal. I myself suffered a great deal. I was abused in the grossest language by a clergyman. That clergyman called me, on the day of declaration, after the polling was over, an apostate recreant Catholic.

7235. Was that a Roman Catholic priest?—Yes, one of the clergymen of my own parish. He subsequently came on the 1st of January to the town hall where we were installing the mayor; there was a large mob there, and there was some very humble person, a tinker, I think it was, and they brought a resolution which they said they had adopted with regard to me for acting at the election, and this clergyman made very unfounded and very false charges against me; in fact, he accused me of meddling with the registry, whereas, he knew himself that he might as well have charged any other person there. I look on it that

Mr. *J. Ellard.*

4 June 1869.

that was done with the object of intimidating me at the time from going forward with the petition which was pending, and also to show others that if they differed from him, they would be subjected to unpleasant consequences. At the same time, I know that that proceeding was not approved of by other clergymen.

7236. In the Roman Catholic Church as in other churches, I presume there are hot-headed injudicious persons?—Yes, I am sorry to say there are in the Roman Catholic Church.

7237. With regard to influence other than that of the priests, is it generally conceded, or is it your opinion, that the ballot would be an effective security?—I think it would. I think it right to observe, that in the city of Limerick I do not think that the landlords have much influence; it is only in the rural districts in connection with the borough.

7238. Speaking as a Roman Catholic, you think that the ballot would be a security from undue influence on the part of the priest?—I do, if it be as I say, a proper ballot, such as I understand the Victoria one to be; but I would have a different opinion if parties were allowed to be declaring as they were going in, or as they were going out, who they voted for; that would be most objectionable.

7239. You stated that the tenants of some landowners did not vote? — Yes; I think Archdeacon Gould's tenants did not.

7240. Will you explain, if you can, the reason why the tenants of certain landowners did not come in to vote?—I think I stated, in reference to a question that was put to me, that I did not know that the landlords had acted at the election generally.

7241. With reference to the case of Archdeacon Gould, or any other landlord that you are acquainted with, how can you explain that those tenants did not vote, if the priests were so anxious to get all that they could?—I think Archdeacon Gould is considered by his tenants to be a first-class landlord, and they did not like, perhaps, to vote; they might vote in a way that would displease him.

7242. Do you think they made a compromise by remaining neutral?—I should say so, but I had not an opportunity at the time of communicating with them.

7243. Sir *Frederick Heygate.*] Archdeacon Gould's property is his own property, is it not?—Yes.

7244. It is no property held in connexion with the Church?—No, none whatever.

7245. Mr. *Bright.*] Mr. Spaight expressed a strong opinion with reference to nominations; I do not know whether you heard him; do you agree with him that it would be desirable to put an end to the practice of holding public nominations of candidates?—Yes; I think it would be a great advantage, and of the declaration I would say the same.

7246. He also expressed an opinion that it would be a great advantage if the whisky-drinking shops could be closed on the day of the election; what is your opinion about that?—I agree in that, and I think it would be even necessary prior to the day of election. It was proved on the Limerick petition that a number of orders were given, and that public-houses were thrown open in that way to parties drinking, and in Limerick the violence always occurs the day immediately prior to the election.

7247. Sir *George Grey.*] You said just now that you were concerned professionally for the petition that was presented against the two sitting Members?—Yes.

7248. Why is it that, after the fact that we have heard to-day, no charge of intimidation was alleged in that petition, and that it was confined simply to bribery and treating?—I must tell you that the Roman Catholic clergymen took a very deep interest in the matter; and in a town like Limerick, where very often it is almost next to an impossibility to get evidence to sustain an allegation, where they would be concerned, it would be impossible to get witnesses, either to tell their evidence beforehand or to come forward on the witness table.

7249. You abstained from preferring charges of intimidation from the difficulty of getting evidence of such notorious facts, as of rioting and intimidation, as those which Mr. Spaight has informed the Committee of at the last election?—Yes; counsel thought our case was proved without troubling the court with further evidence.

7250. Mr. *Bright.*] Was not the real reason that there was no charge of intimidation preferred, because intimidation was probable on both sides?—Intimidation was charged under the head or title of undue influence. The judge gave what he called bribery costs, but not any other general costs.

7251. Mr. *Bright.*] Can you tell me who paid the expenses of Sir Peter Tait and Mr. Pigott at the last election?—There were subsciptions made up; I had nothing to do with the money part of it. There was one gentleman sent me a subscription of 200 *l.* towards the expenses; I had not occasion to use it.

7252. Did Sir Peter Tait pay any portion of the expenses?—No; I have not got any portion from him.

7253. Did Mr. Pigott pay any portion of the expenses?—No, he did not.

7254. Who paid the expenses of the petition?—I myself paid the fees, but I presume Sir Peter Tait will pay me; I think it right to say that I merely charged the expenses out of pocket; I think he was very badly treated.

7255. *The O'Conor Don.*] Was not the defence to your petition a charge of intimidation against your side at the last election; did not the sitting Members' defence charge mob intimidation used against them?—Yes, they did; it was on that occasion that the magistrates proved that in Mr. Murphy's office; they sent for Mr. Russell's conducting clerk, and directed him to employ men.

7256. You charged them with treating in your petition, and their defence was that mob intimidation was used against them, and they were obliged to hire and treat a mob to protect them?—Yes, they gave that evidence.

7257. Sir *Michael Hicks Beach.*] With reference to one answer which you gave as to the possibility of secret voting in a country where the Roman Catholic priests have such influence as they have in Ireland, you appear to think that a man, supposing the ballot was in existence, might keep his vote secret from the priest in spite of the confessional?—Yes, I am speaking as a Roman Catholic; and I know that a clergyman would be acting outside his duty to ask such a question, and that if he did, it would be the duty of the penitent, if he were to go outside certain limits, almost to make a complaint of it.

7258. Where

7258. Where the priest takes a strong part in favour of a particular candidate, he looks upon the voting against his candidate in the shape of a wrong action, does he not?—Yes; but the confessional is the most sacred duty that he has to perform. I am not aware of ever having heard an instance where anything in connection with the confessional has been charged against the clergyman; even a clergyman who changes his religion has never done anything of the sort.

7259. As a Roman Catholic, you consider that it would not be the duty of the party confessing to confess a wrong action of a nature such as voting against a particular candidate would be?—No; but if he does anything contrary to his conscience, it would be necessary for him to tell it. Protestants generally have been under the impression the confessional can be used for any purpose of the priest; but if it really were so, I think it would do more to bring the Roman Catholic religion into disrepute than anything that could be done; because if the faith of the people of Ireland could be shaken in the confessional it would be a great blow to the Roman Catholic religion.

7260. *Chairman.*] You think that even if the priest extorted from the voter in the confessional the way he had voted he never would divulge it?—It would be quite contrary to his obligations.

7261. If you had had the ballot at the last election do you think that it would have protected you from the annoyances that you suffered?—If we had had the ballot at the last election I am convinced that Sir Peter Tait would have been returned at the head of the poll.

7262. It would not have protected you personally from the annoyances under which you have suffered?—I do not think it would have subjected me to them.

7263. Would it have protected you?—Yes, I think it would, because the circumstances would not have been known. I did not vote at all.

7264. But you were the agent for Sir Peter Tait; under the ballot Sir Peter Tait must have had an agent, I suppose?—But I was for the two, and they were appointed by a committee, or by a meeting rather, there was no committee.

7265. I presume that a candidate who was obnoxious to certain persons must have had an agent under any circumstances?—Yes; Mr. Murphy was agent for Mr. Russell, and Mr. O'Donnell was agent for Major Gavin.

7266. You were agent for Messrs. Tait and Pigott?—Yes.

7267. And for that you were publicly abused by the Roman Catholic priest?—Yes, I was.

7268. The ballot would not have protected you?—Of course, they would have known that I was the agent; but the time would have gone by, and matters would have cooled down; but it was in reference, I think, to the petition, the occurrence on the 1st of January. The polling-day of the election was the 19th of November, and it was on the 1st of January, when the priest came to the town hall where I was discharging my duty.

7269. You think that if you had the ballot you would not have been abused?—I do not think I would; because I think if the election were over, and the result known, that would end the matter.

7270. Do you think that if you had the ballot mobs would be employed as they are now?—No, I do not think that they would; there would be speech making, and I think there would be a great deal of meeting beforehand.

7271. And some excitement, probably?—Yes, some excitement in that way.

7272. But not organised mobs deliberately employed for the purpose of intimidating voters?—No.

7273. Mr. *Graves.*] Is it usual to allow a Sunday to intervene between the nomination and the day of polling?—Yes; the clergymen are very anxious for it, and the parties who are unpopular are always anxious to have the day of nomination as far towards the end of the week away from the Sunday as they can.

7274. Do you consider that the fact of allowing the Sunday to intervene, tends at all to excitement, seeing that it is used for electioneering purposes?—I do; Sunday being a leisure day, in the evening they will assemble. In the case of Mr. Spaight's house, it was on the Sunday evening that the mob came up the town and did the mischief. Bands were at that time in Limerick, and they used to assemble people; they commenced to play through the street, and a crowd would gather.

7275. Would you consider it an improvement upon the present system if the Sunday was not allowed to intervene between the day of nomination and the day of polling?—Yes, I think it would.

Tuesday, 8th June 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Bright.
Mr. Cross.
Mr. Edward Egerton.
Mr. Graves.
Mr. Gathorne Hardy.
The Marquis of Hartington.
Sir Frederick Heygate.
Mr. Hunt.
Mr. James.
Mr. Leatham.
Mr. Locke.
The O'Conor Don.
Mr. Raikes.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE RIGHT HON. THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. WILLIAM ELLISON OTTO, called in; and Examined.

Mr. *W. E. Otto.* 8 June 1869.

7276. Mr. *Hunt.*] ARE you Factor to the Marquis of Lothian?—Yes, in Roxburghshire and Mid-Lothian.

7277. Have you had your attention called to some evidence reported in the "Scotsman" newspaper with regard to intimidation in Roxburghshire?—Yes; Mr. Russell's evidence about Roxburghshire was brought to my attention, being published in the "Scotsman."

7278. I will read to you his evidence on that point as given in the print for the use of the Committee. At Question 5811, he is asked, "Is it within your knowledge that statements have been published to the effect that pressure has been exercised by the landlords on their tenants in the county of Dumfries?—*A.* Yes; both general and specific charges have been published. *Q.* Have they been published in the newspapers?—*A.* Yes, over and over again. *Q.* Have they been contradicted by the landlords?—*A.* In Dumfries there was a contradiction in one case by a landlord, but in the Roxburgh case there was not any contradiction. *Q.* Will you mention to the Committee any statements which have either been publicly made in the newspapers, or which have come to your knowlege by personal communication with the parties concerned in any case?—*A.* I will state a case in Roxburgh, without giving the names. A man who was on the point of getting a renewal of his lease voted in a certain way at the general election, and he stated to me that the factor came to him and said that the landlord had made up his mind not to give him the lease, and that he would never give another lease on his property to any man that would vote against his landlord's party; and the tenant wrote to the landlord a letter, which I saw, and it was a very polite and rather submissive letter, saying that he had never been a politician, but that in his capacity of vice-chairman, I think it was, of a committee of the Agricultural Society, he had taken up certain questions, such as hypothec and game, and that he could not decently vote against what he had done in that capacity; and also, that three of his family, who were all very eminent farmers, had voted as their landlords wished them. But the landlord never answered the letter, and refused the lease. I might mention that this man is one of the most eminent farmers in Scotland." Is it perfectly well understood in Roxburghshire what case is alluded to?—Yes.

7279. Who is it understood to be?—Mr. Scott, of Timpendean Farm.

7280. And his landlord, I believe, is the Marquis of Lothian?—Yes.

7281. It is perfectly notorious that that is the case which is alluded to?—Yes, perfectly notorious.

7282. Are you the factor for the Marquis of Lothian for that part of the estate in which his farm is situated?—I am.

7283. Will you tell us the particulars of the case as they happened; and first of all, I believe the lessees of the farm at Timpendean are John and William Scott, are they not?—Yes, two brothers, John and William Scott; the lease expires at Whit-Sunday, 1870, and the separation of crops, 1870.

7284. Does William Scott manage the farm of Timpendean?—Yes, and resides there.

7285. So that William Scott made application for the renewal of the lease of his farm before it expired?—In the summer of 1868 he made application to me at the rent-day as to what was to be done about his farm, and afterwards, in September 1868, he wrote to me, requesting me to look over the farm, as there was a long autumn for improvements, taking it for granted that he would get a renewal of his lease.

7286. Did you reply to that letter, or did you see him?—I saw him, and verbally stated to him that I would bring the matter under Lord Lothian's consideration.

7287. Did you bring the matter to Lord Lothian's

Lothian's notice?—I did so during the summer, when he was at Penielheugh, in 1868, and he merely requested me, as usual, to send in a report upon the state of the farm.

7288. Was it the Marquis's practice, when a lease was about to fall in, for you to make a report upon the state of the farm to him?—Invariably.

7289. And his Lordship requested you to do as you would do ordinarily, namely, to make a report upon the state of the farm and the state of the buildings, and so on?—Yes, upon the state of the buildings as they appeared before me, and what improvements were required, without entering into any details as to whether the tenant was to get a renewal or not.

7290. Did his Lordship state at that time, in 1868, anything as to his intention about letting the farm or renewing the lease?—I had very little conversation with his Lordship upon it, but he said he had not made up his mind what to do with the farm; at one time he had thought of exchanging it with another, so that he might get the other farm as a home farm, and he wished to take a number of acres for planting, 100 acres or so, and also several fields out of it to add to an adjoining small farm; and there were many alterations which he would be unable to settle until he got my report.

7291. That was before there was any question about the election pending, was it not?—Yes, during August and September 1868.

7292. Had you any communication with Mr. Scott after you had seen Lord Lothian on the subject, and did you tell him your instructions?—I told him my instructions on the subject, and he twice asked me to fix a day to go over the farm and inspect it.

7293. Did you fix a day eventually to go over the farm?—Yes; in the end of October 1868; I did at last fix a day. I went over the farm and inspected it as to the state of cultivation, and what repairs were necessary, and the drainage, and generally, so as to get sufficient details to make my report. I had never before examined the houses or the buildings upon the farm, and several fields I had never been on.

7294. After making this report, did you see his Lordship again about it?—My notes for the report lay by for two or three weeks, and in the meantime the election had occurred, and his Lordship was on the point of leaving for London; and when I was informed of his intention to do so, I said it would be much better that I should have his instructions with regard to Timpendean, and that my report was drafted, and could be sent to his Lordship. He then said that he had not made up his mind at all about the farm, but from what he had heard of Mr. Scott, he did not intend to renew his lease.

7295. Did he say anything about its being on account of the way in which he had voted, or about his politics; did you ask whether you should intimate to Mr. Scott that his Lordship was undecided about letting the farm again?—Yes; I only asked his Lordship, "Shall I intimate this to Mr. Scott?" and his Lordship said "You had better do so, so as to take him at no disadvantage."

7296. Did you see Mr. Scott?—I saw him a few days afterwards; I met him in the street one market-day, and said to him, "I was just about to write to you, but I may as well now take the opportunity of informing you that, before his Lordship left for London, I had his instructions with regard to your farm of Timpendean, and he requested me to intimate to you that it was not his intention to renew the lease at its expiry."

7297. Then did Mr. Scott say anything about politics to you?—He did. He began to say something about his voting, and that he could not help voting the way he did, and that he was compelled to vote on account of the opinions that he had expressed as to the law of hypothec and the game laws. I said something to him to the effect that people were quite right to vote entirely as they pleased, and I had nothing to do with it whatever, as it made no difference to me, that my instructions were such from Lord Lothian, and I had simply to carry them out.

7298. Did you afterwards have a letter from Mr. Scott?—Two or three weeks after the election I had a letter from him.

7299. Have you got that letter here?—I have; it was dated the 11th of December 1868.

7300. Will you read it to the Committee?—"I regret exceedingly to hear it stated that I broke my pledge in voting at the late election; I told you that I could not avoid voting for Sir William Scott without degrading myself after both writing and speaking on the various subjects as I had done, but out of respect for Lord Schomberg Kerr, I had not influenced a single voter against him, but the contrary; and when I found there was a danger of the person I spoke of not being prevented from going to the poll, from certain influences, I got another to stay at home. As you and Lord Schomberg Kerr were the only parties who canvassed me, I will feel obliged by an explanation, as I must say I feel exceedingly hurt and disappointed at such a report so utterly without foundation."

7301. Did you reply to that letter?—I met him the next day or so, and I said to him, that really I could not be responsible for the reports that people circulated about the country, and would certainly not write to the papers contradicting them; but that if he sent any person to me, I was quite willing to inform him that he had not pledged himself to me to remain neutral, and that I did not consider that he had broken any pledge whatever.

7302. The honourable Member for Bedford put this question to Mr. Russell: "With regard to the Roxburghshire case to which you have alluded, was there any difference, between the landlord and the tenant, upon the matter of rent, for the renewal of the lease," to which Mr. Russell replied, "None whatever; the conditions were all agreed to, and everything was carried out but the formal completion of the deed;" was that the case?—It is quite untruthful; there were no conditions and no rent whatever mentioned.

7303. Had you never gone into any negociations with the tenant?—No negociations, except my simply walking over the farm to get the necessary details to send in a report to Lord Lothian; no negociations in any shape ever ensued.

7304. What would be the practice on the Lothian estates with regard to the out-going tenant getting a renewal of the lease?—The sitting tenants generally, but not always, get an offer of the lease at its expiry; but it is invariably Lord Lothian's practice to have a report made in every case upon the different farms before taking up the matter at all.

Mr. *W. E. Otto.*
8 June 1869.

7305. When you walked over the farm Mr. Scott had assumed, had he not, that he would have the offer of the farm again?—In his very first letter to me he assumed that.

7306. But when you walked over the farm and made the report, did Mr. Scott suggest certain alterations and improvements as if he were going to be continued the tenant?—Exactly; he said he should like so-and-so, but it was merely stated as what he considered necessary, and not at all what might be granted.

7307. Had anything been said between you and him at that time about what rent should be reserved?—None whatever; the rent was never mentioned between us.

7308. Nor had you promised to recommend to his Lordship any improvements or alterations?—I had promised to recommend nothing.

7309. Did you ever intimate to Mr. Scott or to any tenant on Lord Lothian's property, that the landlord would not let farms to those who would not vote as he wished?—I certainly never did.

7310. Did you ever receive any instructions from his Lordship to that effect?—No, never; it was entirely an inference of Mr. Scott's own that it was for political reasons that he was dismissed.

7311. During the elections, you had conversation with Mr. Scott about the election, had you not?—Yes; I had twice or three times.

7312. Had you given him reasons why he should vote for Lord Schomberg Kerr?—I said that he ought to hear both candidates, and he said that the only difference between them was with regard to hypothec and the game laws, which were subjects in Scotland which created a great deal of agitation; and I said that he ought to hear both parties, and that the one candidate was quite as liberal as the other upon those points.

7313. Mr. *Villiers.*] When was this conversation?—Before the election; perhaps from two to three months before the election.

7314. Mr. *Hunt.*] It was not, I presume, at the time when you went over the farm to make a report of it?—We might have had a few words occasionally at that time, but I would not be above a couple of hours with him going over the farm.

7315. But you argued with him upon the merits of the respective candidates, did you?—I did.

7316. Did you ever put any pressure upon him to declare himself in favour of one or the other?—Not the slightest; I neither put any pressure upon him, nor held out any inducement whatever.

7317. Did Lord Lothian ever give you any reason for his intention not to re-let the farm to Mr. Scott?—He gave no reason whatever.

7318. *Chairman.*] Did you not say that it was in consequence of something that he had heard about Mr. Scott?—Yes; in consequence of what he had heard about Mr. Scott he did not intend to renew the lease.

7319. Mr. *Hunt.*] He gave no specific reasons?—He gave no reasons whatever, and I did not presume to ask him for reasons.

7320. His Lordship did not tell you what he had heard of Mr. Scott which induced him to decide so?—He did not.

7321. Was it known to you, or was it notorious, that Mr. Scott had spoken very disrespectfully and contemptuously of the Lothian family at a meeting?—I had heard of it.

7322. But was it notorious in the neighbourhood that Mr. Scott had spoken disrespectfully of the Lothian family at a farmers' meeting?—It was; amongst the farmers it was quite well known.

7323. Did you assume in your own mind that that was what Lord Lothian alluded to?—It was a mere assumption on my part. I could not tell his Lordship's reasons, but I knew that there were quite good and sufficient personal and private reasons for not giving Mr. Scott a renewal.

7324. But when Lord Lothian said that he had heard something about Mr. Scott, did you suppose that those expressions of Mr. Scott at this farmers' meeting were what was in his mind?—I certainly did.

7325. Do you know when that meeting was held at which Mr. Scott spoke disrespectfully of the Lothian family?—It was some time in the course of the summer of the year 1868.

7326. Was Mr. Scott's the only farm of which the lease fell in about that time?—The only farm in 1870.

7327. But were there not other farms out of lease at the time of the election?—In 1869 there were four other farms out of lease.

7328. And did the outgoing tenants of those farms all vote for Lord Schomberg Kerr or not?—There were four farms, all of which, after my report was sent in to Lord Lothian, he instructed me to offer to the sitting tenants; and two of them voted for the Conservative candidate and two of them for the Liberal. One of those who voted for the Liberal is a man notorious for his extremely violent political opinions, and was well known to be so to Lord Lothian.

7329. Was he one of the principal supporters, and one who took an active part on the Liberal side in that election?—He was the principal supporter and canvasser on the Liberal side, and materially assisted to carry the election.

7330. Notwithstanding that, did he receive a renewal of his lease?—He obtained a renewal of his lease, and it was exactly in the position mentioned by Mr. Russell in his evidence, the rent and the conditions were fixed, but the new lease was not signed; but his Lordship had never spoken to me of cancelling or repudiating that arrangement.

7331. Then the two Liberal tenants and the two Conservative tenants whose leases fell in at that time all had renewals of their leases?—The whole four had renewals.

7332. Then we were told in evidence that Mr. Scott wrote to his Lordship about the lease; was that so?—I believe he did, but I never saw the letter until two or three weeks ago, at the time his Lordship wrote to me, giving me the tenor of the letter, which he thought most fallacious and unprincipled, but I never saw the letter itself till a few weeks ago.

7333. Is that the letter (*handing a letter to the Witness*)?—That is a portion of it.

7334. His Lordship could not find the whole of the letter, I believe?—No; his Lordship could not find the whole of the letter, but that is Mr. Scott's handwriting.

7335. Have you understood that his Lordship never answered the letter?—His Lordship did not tell me whether he did so or not.

7336. Is it the case that his Lordship is unable to write himself?—He is quite unable to write himself, and I think he sufficiently answered that question in the letter which he wrote

wrote the other day to the "Times," saying that "he was quite unable to write, and that dictating was very difficult to him, so much so, that when any precision of language is required, I have, after several failures, given up the attempt."

7337. Mr. *Leatham.*] Will you read the letter?—It is only a portion, and not the whole; I may say that it was from no want of courtesy on Lord Lothian's part that the letter was not answered; unfortunately it had fallen aside, and in his precarious state of health had been neglected.

7338. Mr. *Hunt.*] Was there any notice taken in the "Scotsman" of this case?—In the beginning of April an article was written upon it by the "Scotsman," and on seeing it I drew Lord Lothian's attention to the article which had appeared; he had not seen it, but on reading it he thought it so fallacious and untruthful that he declined to answer it, more especially as he had had a recent instance of the unfair treatment that the "Scotsman" gives to any contradictions which may appear to its statements; during the time of the Roxburghshire election all sorts of reports had been circulated with a view to damage the Conservative candidate, and amongst these the most flagrant was one imputing to Lord Lothian that he had handed over the whole of the game on his estates to his brother, the candidate, with a view to farm it, and make a large revenue out of it by selling the game, and that most stringent clauses were inserted in leases to protect the game and the rabbits, and insinuations of that kind; on drawing his Lordship's attention to it, I was authorised to contradict it, which I accordingly did, giving an entire and emphatic denial to the whole of the assertions. Lord Lothian's brother had no interest whatever in the game, any more than occasionally having a few days' shooting, the same as any of his Lordship's brothers; but not a single head of game is sold off the estate, and no shootings are let, and as to the game clauses it is a simple legal reservation of the game.

7339. Had you written to the "Scotsman" to contradict the assertions with respect to game?—I had, and the letter certainly was inserted; but notwithstanding that, the assertions still continued, quibbling, and making all sorts of insinuations that the first statements were quite true, and, in fact, making out that the contradiction was worth nothing at all; so after receiving such unfair treatment, Lord Lothian declined to contradict the "Scotsman" again.

7340. On the appearance in the "Scotsman" of Mr. Russell's evidence about the case of Timpendean, was it his Lordship's wish that you should appear and give evidence before this Committee?—It was; and that the matter should be investigated, and the whole of the evidence brought out.

7341. You can tell us something about the election; are there many voters upon the Lothian estates in Roxburghshire?—Not many; the farms are generally large, and there are very few voters upon the Lothian estates.

7342. Did you canvass Lord Lothian's tenants for the Conservative candidate?—I went about introducing the Conservative candidate; but I do not think that I asked half-a-dozen of the tenants for their votes; I never canvassed a single tenant in Mid-Lothian.

7343. Is that where the principal estates are?—No, in Roxburghshire.

7344. Was much pressure put upon the tenants generally by the landlords in Roxburghshire?—No pressure whatever; I do not know of a single case of coercion by landed proprietors in Roxburghshire.

7345. What were the influences principally at work in that election?—Principally mob violence; many people were deterred from coming to the poll for fear of being maltreated.

7346. On which side was that intimidation used?—Entirely on the Liberal side.

7347. And had that intimidation any effect upon the election, in your opinion?—It deterred several from going to the poll, and many were most unfairly treated; at Morebattle, for instance, the voters for the Liberal side, on coming out of the polling booth, when it could hardly be known whether they voted for or against, were cheered and allowed to go away, whereas people who had polled for the Conservative side were misused, and pelted, and half drowned, and ill-treated in every possible manner.

7348. Was any other kind of influence used on the Liberal side of a different nature?—There was a good deal of class coercion in the villages.

7349. What do you call class coercion?—I mean among the villagers themselves; take a village, for instance, where, perhaps, there were a few voters on the Conservative side, they dare not vote because of the coercion by the large majority in the village.

7350. What was the nature of the coercion that was used?—It is difficult to explain that.

7351. Were they threatened with loss of custom, or were they teased and tormented?—They were teased and tormented, and I have no doubt threatened with loss of custom too; I have known several cases of that.

7352. Were the ministers of religion very active at that election?—The Established ministers were not, but the Dissenting ministers took a very prominent part in it.

7353. What was the nature of the influence that they used?—It was exercising all sorts of authority over their congregations, and being Dissenters, they hold that they ought to vote for a Liberal, and any person who votes for a Conservative is rather looked down upon in a Dissenting congregation.

7354. Do you mean that the ministers told their congregations that they ought to look down upon those who voted the other way, and that they held up those who voted for the Conservative to the execration and scorn of their congregations?—That was not done prominently; it was privately, I think, that any coercion in that way was used, not publicly; several Dissenting ministers certainly attended public meetings, and made inflammatory speeches, but I did not hear of their bringing politics prominently into their sermons, or anything of that kind.

7355. To go back to Mr. Scott's case, there are some assertions in Mr. Scott's letter which I think renders it necessary that it should be read; I think you dispute the accuracy of Mr. Scott's letter?—I do.

7356. Mr. Scott begins, "Timpendean, 16th December 1868. My Lord, a sense of duty to myself and a justification of my conduct at the late election induce me to write you on the present occasion; Mr. Otto yesterday (that would be on the 15th of December 1868) communicated to me your Lordship's resolution, declining to relet me this farm, because I had voted against your brother,

Mr. *W. E. Otto.* 8 June 1869.

brother, Lord Schomberg Kerr, at which I expressed my surprise and regret, as no such case has ever happened on the estate before." Is it the case that you told Mr. Scott on the 15th of December, that his Lordship declined to relet him the farm, because he had voted against Lord Schomberg Kerr?—I did not; I assigned no reason whatever.

7357. Or at any other time?—Nor at any other time; it was entirely an inference or assumption of Mr. Scott's own; it is always invidious to assign personal or private reasons.

7358. Then he goes on to say, "A statement of facts will best illustrate my case: When canvassed, I expressed my regret that I could not vote for Lord Schomberg Kerr, and when I say regret, I say so in earnest, as in other circumstances, nothing would have given me greater pleasure. I told Mr. Otto that I had spoken, written, and been examined on the principal subjects before the country, and had given my opinion in such a way that I could not degrade myself by having spoken one way and voting another, but that out of respect for my landlord and his brother I would take no part in the election against, beyond giving my vote; and I would even go further, that I would get a voter who intended to support Sir William Scott to remain at home on the polling day, so that in reality my vote might not count. This I did, and even advised some parties who were hesitating between the two candidates to vote for Lord Schomberg Kerr, and so closely did I keep my mind to myself, for fear of influencing a single voter against him, that the other party did not know till I went to the poll how I was going to vote. On this I can refer you to Mr. Otto, who complimented me that I had behaved remarkably well in that respect, and very different from others he could name." Is that so?—The complimenting was in answer to a letter which he wrote me requesting me to contradict the statement that he had broken his pledge, and I merely said that if he sent any person to me I would say distinctly that he had not pledged himself to me in the slightest, and that I did not consider that he had acted dishonourably in his voting at all—that is all the complimenting that there was.

7359. Mr. *Leatham.*] Will you record the remainder of the letter?—"Three of my brothers were on the committee, and voted for Lord Schomberg Kerr, and one against, and the landlord (Sir G. Warrender) of the one who voted against him, came and stayed with him the night before the polling, and both went together to the poll in good friendship and voted against each other; I cannot see, my Lord, why I am singled out as the scapegoat of the election as if I had canvassed and done my utmost for the other side; nay, I cannot believe your Lordship will remove me as a tenant for giving my conscientious vote after having spent so large a portion of my life on the estate in comfort, and happiness and peace to my family and myself, —— and I trust not." The remainder of the letter is not here.

7360. Mr. *Whitbread.*] How long have you been factor over that property where Mr. Scott's farm is?—Five years.

7361. During the whole of that five years, I think you say you never were upon Mr. Scott's farm?—I had been upon the farm, but I had never inspected his houses or buildings; I had no occasion to do so.

7362. This meeting, at which Mr. Scott spoke disrespectfully of the Lothian family, was in the summer, was it not?—Yes; in the summer.

7363. What kind of a meeting was it?—Some farmers' dinner, or something of that sort; I did not inquire particularly into it; it is a disagreeable thing to have anything to do with.

7364. Where was it held?—It was a farmers' dinner at Hawick.

7365. What gave rise to his speaking disrespectfully in this way of the Lothian family?—I really cannot say.

7366. What was the nature of the language?—I was merely informed that it was most abusive and disrespectful.

7367. Was it a speech or an ordinary conversation?—Mere after-dinner conversation, I believe, across the table.

7368. Do you know how and when it was reported to Lord Lothian?—I am not aware.

7369. You do not know how soon at all he became acquainted with it?—No; I have no idea of that at all.

7370. Was it reported by yourself to Lord Lothian?—No, it was not.

7371. Mr. *Leatham.*] How do you know that Lord Lothian was aware of it?—His brother was aware of it, and I presume he would inform him of it.

7372. *The O'Conor Don.*] Was it reported to you yourself?—It was reported to me myself.

7373. Mr. *Whitbread.*] You had no reason to understand that Lord Lothian had heard of that language before he gave you final instructions not to let the farm to Mr. Scott?—He never even informed me that he had; as I said, he assigned no reasons whatever, and it would be utterly out of my place to presume to ask reasons for any instructions that I might receive.

7374. What ultimately became of Mr. Scott's farm?—Nothing has been settled to this day; no conditions and no arrangements have been made. As I before said, Lord Lothian intended to make considerable alterations upon it, and he desired at one time, and he still thought of exchanging with another tenant, so as to give him Timpendean Farm, and make the other farm the home farm; but no arrangements have been fixed yet; the farm is not out of lease till the separation of crops in 1870.

7375. Is it a fair question to ask you whether the report which you made of the state of cultivation of the farm was a satisfactory one?—As I said, the report was never sent in; my notes were merely lying in draft, and prepared to be sent in; his Lordship did not even ask for it; it was before leaving for London, and I said I had better get definite instructions with regard to the farm, and I would send my report in to-morrow, but his Lordship informed me that it would not be worth while, as he had not made up his mind at all about the farm, but I certainly would not have been prepared to report very favourably upon the state of cultivation.

7376. You practically canvassed a good many of the tenants, did you not, on Lord Lothian's estate?—Very few indeed.

7377. You introduced the candidate, I think you say?—Yes, I introduced the candidate.

7378. You know the tenant farmers very well by this time; do not you think that the very fact of your going to introduce one candidate to them is a thing which, in their minds, would be construed as a desire on the part of their landlord that

that they should vote in a certain direction?—Not at all; I do not think so. The farmers in Roxburghshire are far too independent for that.

7379. Did you introduce the candidate on the other side?—No, I did not.

7380. And you are distinctly of opinion that the fact of an agent introducing only the candidate upon one side is a thing which must be regarded as an entire absence of influence of any sort upon the tenants?—Whether I had introduced a candidate or not, it was perfectly well known what the political opinions of Lord Lothian were.

7381. Did you take any other part in the election, except that of introducing the candidate on the Conservative side to the tenants?—I introduced the candidate to very few tenants indeed, not above one-third upon the estate. I went about with the candidate among the other electors, but I do not believe that I introduced the candidate to half-a-dozen of the tenants upon the estate.

7382. You spoke of class coercion in the villages, and you said that there were several cases within your knowledge; can you specify any one of them in which coercion was used?—It is very difficult to prove coercion in any shape, but I have been informed by the villagers that they could not vote as they pleased.

7383. What reason did they assign?—That they got no peace; that they were tormented, and they refrained from voting.

7384. Did they anticipate personal violence, or what?—Personal violence at the poll, in some places, they would have experienced.

7385. But they did not assign that as their reason to you?—No; but just generally ill-treatment; that is to say, they would have been looked upon with scorn, and every sort of thing would have been done to ill-use them; kept at an outside, in fact.

7386. But was it by Lord Lothian's instructions that you introduced the candidate to the tenants?—I merely went about with the candidate in the Jedburgh district, and when we crossed any tenant's farms we called upon them as well as upon any other electors, but we did not call specially upon any tenants; I rather avoided that; as I have before said, I do not think I introduced him to half-a-dozen of the tenants.

7387. My question was, whether your action was by Lord Lothian's instructions?—Certainly, to introduce the Conservative candidate throughout the district; his Lordship is a Conservative.

7388. And he instructed you to do it?—I understood so; general instructions to support his own brother.

7389. *The O'Conor Don.*] You stated that you were informed of this disrespectful language used by Mr. Scott at a meeting of the farmers; when were you informed of it?—I should say that it would be four or five weeks before the election; some time after it occurred.

7390. But you said it occurred in the summer, did you not?—During the summer; I do not remember the date at all just now.

7391. By whom were you informed?—By two or three farmers.

7392. Did you ever speak to Mr. Scott about it?—Certainly not; I never spoke to Mr. Scott about it.

7393. When you were speaking to Mr. Scott about the election, and going over the farm with him, you never alluded at all to this language which he used disrespectfully to his landlord?—I did not; it would have been quite out of place to do so I think.

7394. Mr. *Leatham.*] When did you first receive instructions to inspect this farm?—In August or September 1868.

7395. And you did not inspect it till a week before the election?—A month before the election; the 22nd of October I inspected it.

7396. Did the Marquis give no reason to you whatever?—No reason whatever.

7397. Is it usual, when a landlord communicates to an agent that he is about to dismiss a tenant, to give no reason to the agent why he is dismissed?—Yes, I never presume to ask reasons for instructions that I may receive.

7398. Even although you furnish a report of the state of cultivation of the farm?—The report was never sent in.

7399. Therefore it was not owing to any report of yours with reference to the cultivation of the farm that Mr. Scott was dismissed?—Lord Lothian knew generally from my statements as to the farm, but the report, as I say, was merely my notes prepared, but not made up.

7400. But he made no reference to the statements which you had made to him at the time that he communicated to you his intention of dismissing the tenant?—He made no reference whatever.

7401. You had no idea in your mind why he dismissed the tenant?—He assigned no reasons; I can merely say that I, of course, can give no reasons as his Lordship's agent.

7402. Did he know of your coming up to give this evidence?—He requested me to do so.

7403. Have you had a conversation with reference to it?—I have never seen his Lordship at all.

7404. Did his Lordship empower you to say that this lease was refused entirely without reference to Mr. Scott's vote, or the part which he took at the election?—As I before said, I have not seen his Lordship at all.

7405. I thought you said that he requested you to give this evidence?—By letter.

7406. What did he request you to say in that letter?—It was through his agent in Edinburgh requesting me to contradict the statements, but I have had no communication with his Lordship at all. His Lordship left immediately after, and I have never seen his Lordship since.

7407. Is it usual for Lord Lothian not to reply to letters addressed to him?—In his precarious state of health they sometimes fall aside.

7408. Does not he keep a secretary?—He does not.

7409. Then his agent does not act for him in correspondence with reference to the estate?—Letters addressed to myself certainly, I answer, but not his Lordship's letters, unless I am specially desired; it was from no want of courtesy or ungraciousness, as the editor of the "Scotsman" seemed to imply.

7410. How do you know that Lord Lothian's brother was aware of the language used by Mr. Scott?—Because I had heard him say so; it was perfectly notorious throughout the country at that time.

7411. What was the latest day at which it was necessary to inform Mr. Scott that his lease would not be renewed?—Six weeks before the 26th of May 1870; it did not expire until then.

Mr. *W. E Otto.*

3 June 1869.

7412. It was not necessary to state to him until that day that his lease would not be renewed?—No; but as a matter of courtesy, I did it, in order to take no disadvantage of him in any shape; it was but fair to a tenant to allow him to know that he was not to get a renewal, and it was entirely for that purpose that I understood Lord Lothian to request me to intimate it to Mr. Scott.

7413. Why did you select those half-dozen tenants to introduce the Conservative candidate to?—Merely as we rode across the country; if we passed any of their farms, we took them along with other electors in the district.

7414. Do you happen to remember how those tenants voted?—No, I do not; there was no special canvass of the tenantry made in any shape; it was merely in riding across the country.

7415. What is the number of Lord Lothian's tenants in Roxburghshire?—They are principally large farms, and very few votes, not above from 30 to 40.

7416. Mr. *Hunt.*] Do you know how they voted?—Some of them voted for the Conservative, and some of them for the Liberals, as I gave an instance of that before; four farms were out of lease in 1869, and I reported upon the whole of them, and the sitting tenants got the offer of them, two of whom voted for the Liberal, and two of them for the Conservative candidate.

7417. Sir *Frederick Heygate.*] Is Mr. Scott a good farmer?—I should not say he was a first-rate farmer.

7418. Should you say that he was as good as his neighbours on the average?—Not on the average; he has a large quantity of land.

7419. Would you say that his farm was in a good state of cultivation?—Not in a very good state of cultivation; it is not in a high state of cultivation.

7420. Is he an old tenant upon the estate?—No; he and his brother had this last lease, and his brother got another farm of Lord Lothian's some eight or nine years' ago.

7421. Were those on a 19 years' lease?—Yes.

7422. Was he a tenant before that lease?—His father had another 19 years' before that.

7423. And before that?—Those two leases are the whole time that they have had the farm.

7424. Can you give any reason that caused this disrespectful language which you say was used by Mr. Scott towards Lord Lothian?—I know of no reason for it whatever; his Lordship has always treated his tenantry with great liberality.

7425. What was the nature of the disrespectful language used?—I was simply informed that it was abusive and contemptuous language of the whole Lothian family, generally?—I did not enter into particulars, as it was a very disagreeable subject to hear of.

7426. Mr. *Villiers.*] Then as far as we understand, there was nothing in your report which could have led to Mr. Scott's dismissal?—The report was never sent in, and as I have before said, his Lordship assigned no reasons whatever to me.

7427. But did I understand you to say that he had plenty of personal and other reasons against Mr. Scott?—That is my own inference; I had abundance of personal and private reasons for not strongly recommending Mr. Scott to be a tenant, but they were merely my own reason, not that I mentioned them to Lord Lothian, because he never called upon me to do so.

7428. But independently of politics, there were personal reasons why Mr. Scott should not have his lease renewed?—There were, quite unconnected with politics, personal and private reasons.

7429. Personal reasons entertained by yourself and by Lord Lothian?—I am speaking for myself, and not as the agent for Lord Lothian.

7430. I thought you referred to personal reasons of his Lordship in your former evidence?—No; I said that there was abundance of personal and private reasons quite unconnected with politics, that would have prevented me from strongly recommending Mr. Scott, but I was never called upon to give those reasons.

7431. Then, do we understand that you and Lord Lothian never had any conversation with respect to Mr. Scott, except that you were directed to survey the farm?—None.

7432. And no particular reason assigned why you were to survey the farm?—It is invariably done in all cases where a farm is near the end of the lease.

7433. But do you call it near the end if it does not expire until Lady Day 1870, that you should survey it in August 1868?—Yes; tenants look upon it as a privilege to have at least two years' knowledge of whether they are to get the farm or not; it is a great advantage to a tenant to know that, and it is frequently done by Lord Lothian.

7434. Then it was done to other tenants as well as to Mr. Scott?—Yes; frequently.

7435. Upon this occasion it seems to have been, I think you stated, six weeks before the election that you surveyed his farm?—About that.

7436. Were there other tenants whose leases would expire in 1870, like Mr. Scott's?—No, it is the only lease that expires in 1870.

7437. Then it was only in the ordinary course of business that you went to his farm?—In the ordinary course of business.

7438. But it was after this abusive language which he was reported to have used at some farmers' dinner?—I had not heard of it at the time that I went over the farm.

7439. When was it first discussed; before or after the election?—Before the election, several weeks.

7440. Then it was expected that he would be an adverse voter to Lord Lothian?—He said himself that after what he had said upon the hypothec and game laws, he could not but vote upon the Liberal side.

7441. Then had he been canvassed?—I introduced him to the candidate, and spoke twice or thrice generally discussing the subject of hypothec and the game laws with him, but it was merely meeting him and having five or ten minutes' talk.

7442. Was the candidate Lord Lothian's brother?—Yes; the candidate was Lord Lothian's brother.

7443. Did he express himself dissatisfied with the tenant because he did not vote for him?—No; I introduced him and left him in the street speaking to him, and I do not know what the conversation was; I heard them discussing hypothec and the game laws.

7444. In fact Mr. Scott's politics were perfectly

fectly well known, and it took nobody by surprise when he voted for the Liberal candidate?—As to those two questions, his politics were quite notorious.

7445. I suppose the Liberal candidate was identified with the popular views on those questions?—I think that the one candidate was as liberal as the other upon those questions, and I said so to Mr. Scott, that he ought to hear both sides of the question of hypothec and the game laws.

7446. Was Lord Lothian's brother against the game laws?—Not against the game laws.

7447. I mean against the preservation of the game?—Yes, to remedy any evils in game preservation.

7448. They do not preserve the game there, do they?—Yes, the game is preserved to a certain extent and the shooting.

7449. And the farmers complain of it, do they?—Sometimes they complain of the rabbits.

7450. Was Mr. Scott amongst those who complained of the mischief the game does?—No, Mr. Scott said to me himself at that time that he had no reason to complain of the game, and that it was not a personal grievance with him at all; that he had no reason to complain of being annoyed by game.

7451. What was the particular view taken by the Liberal candidate upon the subject of the game laws?—It is difficult to say; he changed several times with regard to it.

7452. The question of the game laws went for a good deal at the last election in Scotland, I believe?—Yes, I think he would have done away with the game laws altogether; it made very little difference to him.

7453. It would make a difference in the preservation of game, would it not?—It certainly would, if there was no trespass act.

7454. But that is a thing at issue between the farmers and the proprietors, the farmers declaring in all cases that they do not like the strict preservation of the game?—They do not like the strict preservation of the game.

7455. You mentioned two other tenants of Lord Lothian's, who voted for the Liberal candidate; when does their lease expire?—Whit-Sunday, and the separation of the crops in 1869, so that their leases are not actually out yet.

7456. But their farms have been surveyed already, have they not?—Yes, the year before, at the usual time.

7457. And were their farms found in a good state?—Yes, in a fair state of cultivation. There were four farms out of lease that year, and a report was sent in upon them, and they were all offered to the sitting tenants.

7458. Were the farms of those two Liberal farmers in a better condition than Mr. Scott's?—One of them was in a very much better state, and the other better too, I should say.

7459. When had they received a promise of their leases being renewed?—The rent and the conditions were fixed before the election.

7460. In fact, everything had been settled before the election?—Yes, shortly before it, but no lease was entered into.

7461. I suppose it is the custom, is it not, to give a lease?—Yes, I never heard Lord Lothian even hint at repudiating or cancelling those arrangements.

7462. Those Liberal farmers that you allude to, whose leases expired in 1869, were not quite in the same position as Mr. Scott, as his expires in 1870, does it not?—Yes; in 1870.

7463. It had been all settled, at least as far as you describe it as a settlement, that they were to have a renewal?—It was exactly in the position described by Mr. Russell in his evidence as to Timpendean, which was false, that the rent and conditions were fixed, and all that was remaining was, the formal completion of the deed. Those farmers were exactly in that position.

7464. But Mr. Scott had not got so far as that?—Not nearly so far.

7465. Was there a general opinion in the county that Mr. Scott was to be turned out on account of his vote?—I heard nothing about it.

7466. I suppose there was a pretty general notion that influence was used on both sides; you say that it was distinctly so in the villages by class coercion, I think you called it?—Yes, by class coercion.

7467. And the other people heard that influence was used by the proprietors over their tenants for the other candidate?—I do not know of a single case of landlord coercion.

7468. But I suppose that other people might have informed themselves upon that matter, so that there is very little free action in that county in the case of an election?—I think it is one of the purest counties that you will get anywhere. There is no coercion of any kind by the landed proprietors; I can only say that the Conservative proprietors as a rule do not canvass, and do little except giving their own votes. Many of them, I think, never even canvassed a single tenant or applied the slightest influence in any shape.

7469. It is not very necessary, is it; if he can turn the tenant out, he need not ask him to vote, because he knows what his opinion is?—It does not follow from that that he turns him out.

7470. You told us that it was quite notorious who was the candidate that his Lordship supported, he being his brother?—Of course it was; of course he would support his brother.

7471. When his agent went with his brother, there could not be any doubt about it;—But I did not go and canvass from tenant to tenant; I was merely taking the round. There is a large district, and in riding round to the different places, visiting the electors, we sometimes passed farms belonging to Lord Lothian, and we passed in there too, and I introduced the candidate, but it was simply that.

7472. You did not ask everybody that you met on the way?—I was riding to the different farmplaces of the electors, and of course knew the different electors.

7473. *Chairman.*] When did the contest begin in Roxburghshire?—I forget just now, but it would be from two to three months at least before the polling-day in the end of November.

7474. Was it in August or September?—About September; I think it was rather the beginning of that month; it was not one of the earliest contests.

7475. Was it known that Mr. Scott was opposed to Lord Lothian in politics when the question first arose between him and you as to the renewal of the lease?—It was not known what Mr. Scott's politics were at all.

7476. Did you know nothing about Mr. Scott's politics?—Nothing politically, as he said himself he was Conservative in many respects as to the reduction of the franchise and various other matters;

Mr. *W. E. Otto.*

8 June 1869.

matters; it was simply in the hypothec and the game laws that he took such a keen interest.

7477. You knew previously, did you not, that he had strong views upon those subjects?—I did.

7478. And Lord Lothian knew it also?—I am not aware of that, but possibly he may, as Mr. Scott has taken a very strong position with regard to the law of hypothec.

7479. When the first conversation between Lord Lothian and you as to the renewal of the lease took place, was anything said at all about Mr. Scott's political views, or views on those subjects?—None whatever; his Lordship, as a matter of course, simply requested me to send in my usual report.

7480. And I think you said that you knew at that time, or that Lord Lothian mentioned to you at the time, that he had views as to the separation of his farm?—He did; he mentioned to me that he had not decided at all in his own mind what to do with the farm.

7481. Did Lord Lothian ever speak to you about a letter from Mr. Scott?—He wrote to me giving me the tenor of it, but I never saw the letter until two or three weeks ago.

7482. When his Lordship wrote to you, did he ask you to do anything?—He asked me as to the truth of it. Mr. Scott began by asserting that I had informed him that he was deprived of his farm because he did not vote for Lord Schomberg Kerr. Now, I distinctly did no such thing; he merely inferred it or assumed that it was on account of his vote.

7483. And Lord Lothian wrote to you about it?—Yes.

7484. And he asked you for an explanation, did he?—Yes, as to the truth of it.

7485. And you informed Lord Lothian that it was not true?—Yes, I told him that it was not true.

7486. Do you imagine, then, that it had escaped Lord Lothian's recollection to write and answer Mr. Scott's letter?—There is no doubt that it had fallen aside, and in his precarious state of health had been neglected.

7487. Mr. *Hunt.*] Did his Lordship write to you himself, or did he dictate the letter?—He is quite unable to write a letter; it was dictated, and he is only occasionally able to do that.

7488. *Chairman.*] Did I rightly understand you to say that Lord Lothian gave you no reason, when he announced his intention of not renewing the lease?—No reasons whatever; I was getting instructions about a number of other things at the same time, and I had not above a couple of minutes' conversation upon that subject.

7489. Was it on that occasion, or was it on some other occasion, that Lord Lothian told you that it was on account of what he had heard of Mr. Scott?—At that time he said that on account of the reports which he had heard of Mr. Scott, he did not intend to renew the lease.

7490. Then he did give you a reason that it was on account of the reports?—He said that, but he assigned no reason, and I never presumed to ask him.

7491. Mr. *Whitbread.*] When was this farmers' dinner at which the language was used?—I really do not remember the date at all; it was in the summer, during the harvest time.

7492. Were any other of Lord Lothian's tenants present at the time?—I am not aware; it was rather out of the district, it was in Hawick.

7493. Was the language so violent as to render it in your judgment undesirable to continue Mr. Scott in his relation as tenant?—I did not inquire particularly into the language used; I was merely generally informed that it was very disrespectful, and contemptuous of the whole family; it was after dinner.

7494. And did it not come to your knowledge till after you had gone through the farm?—It did not.

7495. *The O'Conor Don.*] I thought you stated that it came to your knowledge shortly after it was spoken in the summer?—I went over the farm in October; what I mean by summer is the harvest time; I do not remember the date just now.

7496. Mr. *Whitbread.*] Had you ever heard that Mr. Scott was in the habit of going about and abusing his landlord?—No, I never heard that he was in the habit of going about doing that; but his farm lies very close to the policy, and certainly it would not be desirable for his Lordship to have a tenant within sight of the residence to behave in that manner.

7497. And beyond this question of the language you say that you had other private reasons which in your mind were sufficient to justify the non-renewal of his lease?—Certainly, but they were my own reasons, which I was never called upon to give.

7498. Mr. *Leatham.*] Did you communicate those reasons to Lord Lothian?—No, I was never asked for them.

7499. Did you at any time recommend Lord Lothian, either by letter or otherwise, refuse to Mr. Scott the lease?—Never, I had no correspondence with him at all about it; he was resident at the time in Roxburghshire when the whole thing occurred, and I had very little communication with him, in fact only seeing him occasionally, and but very seldom.

7500. Mr. *Greaves.*] Is it part of your duty, when giving in a report upon the expiration of a lease, to say whether the lease shall be renewed or not?—It is not.

7501. Mr. *Hunt.*] You told us that Mr. Scott's politics were very well known to Lord Lothian, and you have told us that two persons who voted against Lord Lothian's side at the election had a renewal of their lease; were their politics also generally known?—One of them was notoriously well known; he was the principal canvasser and supporter, and one of the leading Liberals in the county, and in fact he materially assisted to carry the election, and has been well known for 20 or 30 years to be an extreme Liberal in his politics.

7502. Was that known at the time that the arrangements were made for renewing the lease?—Perfectly well known to Lord Lothian, and yet he renewed the lease.

7503. With regard to this farm at Timpendean, is it not a farm very near Lord Lothian's own residence?—It lies close to his residence, within sight of it.

7504. Do you think it is a pleasant thing to have a tenant living within sight of your residence who makes use of abusive expressions at a meeting?—It is not very desirable, certainly.

7505. Do you think that any landlord would be justified in discontinuing a tenant living just under

under his windows who went to a meeting and abused him?—I think that he would be perfectly justified in doing so.

7506. Do you agree with Mr. Russell's opinion that this tenant was one of the most eminent farmers in Scotland?—I do not. He certainly has a large extent of land, but he is not a very eminent or high farmer.

Major General MONTAGU MCMURDO, C.B., called in; and Examined.

7507. *The O'Conor Don.*] YOU are Commander of the Infantry Brigade in Dublin, are you not?—Yes.

7508. Were you stationed in Ireland in that position during the time of the late election?—Yes.

7509. In the course of your service in Ireland have you been able to form any opinion upon the subject of the employment of troops at elections?—I have formed some opinions. It is the duty of a general officer to make himself acquainted with all the circumstances under which troops may be required to come into action, and I have informed myself upon the subject of elections in Ireland by examining the officers under my command who have been engaged in them, as well as from my own experience and observation of the matter.

7510. Will you give your opinion as to the position of the military when employed at elections in Ireland?—Troops serving in Ireland are very peculiarly situated; elsewhere, such as in Great Britain, the physical force at the disposal of the Government is kept invariably out of sight at elections, but in Ireland the reverse is the case; there not only are the troops kept in readiness for the purpose of aiding the civil power in the event of a riot, but they are made to take a very active share in the proceedings of an election, and so must vitiate the principle of the freedom of election. I allude to the service of escorting voters, principally rural tenant voters, great distances under military escorts. It is very well understood by the officers of the army that the majority of those voters go under the escort very much against their own inclination, in order to vote according to the wishes of the landlords.

7511. What reason have you for believing this to be the case; have you known any instances in which that has been so?—Many instances are known to officers; one instance occurred at the late Waterford election (not the last one, but a year or so ago), a large body of voters under escort entirely disappeared under cover of an attack upon the convoy, so that when a troop of Lancers that were sent two days before the election to take them over from the escort, they did not receive one voter. My own experience in the last election was this: I received a communication through Lord Strathnairn from the Government that they desired that particular care should be taken to escort a body of voters in the county of Dublin; I sent two companies of the Guards and half a troop of Dragoons to escort those men under an alleged apprehension of attack. I moved myself out to meet this convoy, with the intention to assist them if they were attacked, but I found that they had not met a single individual to oppose them. It therefore was apparent to my mind that for the purpose of repelling any attack, the troops were not required at all; and that possibly the apprehension might have been, as regards the voters themselves, that they were not to be depended upon. Another instance that I am aware of is more remote. It happened at Longford, some years ago. A large number of voters were collected and shut up for some four or five days, and ultimately were taken by Dragoons to the polling place.

7512. Were they collected in the first instance by the aid of the military?—I do not know whether they were collected by the aid of the military, but they were shut up by landlords, for some four or five days, and then Dragoons were sent by the direction of the Government to take them to the polling-place, and the Dragoons did perform that duty.

7513. Are you aware that the troops were employed to collect the voters in some cases several days before the polling day?—I do not know that the troops were employed to collect the voters, but I know that the troops were employed in escorting the voters after they had been collected.

7514. And that several days before the election?—From the information that I have received, it was several days before the election.

7515. How do you account for those measures being taken by the military in the elections in Ireland?—The possession of land involves great political influence. The majority of the landlords in Ireland are Protestants, and therefore it must follow that the majority of the Catholic tenants must be unduly influenced by those landlords. Take, for example, the last general elections; in Ireland as well as in Great Britain these pivoted upon the Irish Church question. The Roman Catholic tenants thus unduly influenced by their landlords and taken under military escort, must have voted contrary to their conscience and to the interests of their own religion.

7516. In what light do military officers regard those voters that are committed to their charge; do they regard them as free men whom they are bound to protect, or do they regard them in the light of prisoners?—Practically as prisoners; in receiving charge of a number of men, with orders to take them to a polling station, the officers are bound, according to their ideas of military usage, to take care of those men, that they do not escape and that others do not injure them. I am not aware of any discretion having ever been given to officers in this respect.

7517. The officers understand that they are to take care that those men do not escape?—Certainly; I gave orders myself in Tipperary that, in case of attack, the voters should not be allowed to move for fear of their being taken for rioters.

7518. Was that the ground on which you put it?—Yes, it is the opinion amongst the officers of the army that the voters make their escape when they can and go home, and perhaps even turn upon the escort.

7519. And you were determined, in the case where you were employed, that they should not escape?—Certainly; I gave specific instructions with regard to the conduct of the officers and their men in the event of their convoys being attacked.

Major-Gen. *M. McMurdo*, C.B.

8 June 1869.

7520. Have you got those instructions with you?—Yes, I had issued them to the nearest detachment in Tipperary, where my head quarters were; but before post hour information was given that the election would not be contested, and therefore I did not issue the remaining copies.

7521. Will you read those instructions to the Committee?—"Head Quarters, Tipperary, 23rd November, 1868. Should the election be contested, and the magistrate make requisition to escort voters, ascertain from him the point where the convoy is to be formed, and reconnoitre the road at once, noting all awkward points where interruptions to its progress might be attempted, such as woods and hollow roads. Regulate the strength of the convoy according to circumstances, but it is not, under any circumstances, to exceed one-half of your command. The infantry should be on cars; if there are not enough cars, then as many as can be furnished by the election agent. A small party of cavalry should be in advance to look out and give information, then an advance-guard of infantry, then the cars, the leading one carrying entrenching tools (spades, axes, and a cross-cut saw), with men to use them. The rest of the infantry should follow; then voters; the rest of the cavalry bringing up the rear. The constabulary should be distributed on either side of the line of cars. Should interruption be offered the convoy should halt, and the officer examine the obstacle, turning the flanks of the position by a demonstration of his infantry. (The constabulary should look after the voters, who should be warned to keep their places, to avoid being mistaken for rioters.) If this threatening attitude is not sufficient to cause the mob to evacuate their position, the officer must then act as laid down in paragraph 34 of Parchment Book of General Orders. If required to advance, he will avoid, if possible, attacking in front, till his flanking parties have produced their effect; he will also combine the use of his cavalry (if the nature of the ground permits) in aiding a flank attack. He will then move forward the pioneer party, protected by infantry, and clear the obstacles. The escort for voters on foot" (that is quite a different case), "say from a railway station" (such as happened at Drogheda) "should be much the same as above, except that the rear of the voters should be brought up with infantry and a few cavalry. If the road is at all favourable for cavalry these should be in front; and if the crowd be hostile, ordered to make free use of their horses by passaging and plunging. A judicious use of the spur may obviate the necessity for extreme measures; I shall not object to the Dragoons having light sticks in their hands which they may use if pressed upon or ill-treated by a truculent crowd, but officers must be prepared to cast these away and resort to their weapons if the magistrate should require it; in conclusion, I am to be kept well informed, by telegram, of all that passes, or that may be apprehended." These were my instructions: it is right, however, that I should add that the latter part relating to the Dragoons having sticks was not approved by Lord Strathnairn.

7522. These instructions are somewhat similar, are they not, to what would be issued if you were conveying prisoners through an enemy's country?—I would not give other instructions if I were attacking a regular force.

7523. It appears by those instructions that there are two uses made of the troops in Ireland; one in conveying voters from the rural districts to the poll, and the other in protecting the public peace upon the day of the election in the polling place?—Yes, those are very different uses.

7524. You consider that the use of the military in the latter case is a very different use from the other?—Yes, but I entertain very strong opinions upon that subject.

7525. Will you state generally what are your opinions with respect to the use of the military in the suppression of a riot upon the polling day?—I have always been of opinion that a soldier ought not, when aiding the civil power in the suppression of riots, to have in his hands the mortal weapons which are intended for use against the enemies of his country. I conceive that in the suppression of civil riots, an infantry soldier can execute his duty as a citizen perfectly well with a staff in his hand, aided by the military organisation which he has acquired; and acting under the orders of his officers and non-commissioned officers: in the same way with regard to the cavalry, in place of a cavalry soldier sitting helpless on his horse with a drawn sword in his hand, which he dare not use; if he had a single stick, and acted as a special constable, no rioter in the world would dare come near him to seize his bridle, or throw him from his horse. The present system of employing soldiers in suppressing a riot, is as remarkable for its stupidity as for its cruelty; because a soldier having mortal weapons in his hands, the last thing that he would do would be to use them upon his countrymen; but when that happens a man is slain, and the soldier cast into prison.

7526. You consider that the soldiers would be much more efficient if they were armed with less deadly weapons? — Unquestionably; the very fact of soldiers being armed with deadly weapons gives the mob courage to proceed with outrage. I have printed some observations of my own upon the late affair at Drogheda which I have brought with me.

7527. Will you put them in?—Yes, they are as follows:—

OBSERVATIONS ON THE SYSTEM OF EMPLOYING TROOPS AT ELECTIONS IN IRELAND. By a General Officer.

Anyone who reflects upon the deplorable occurrences at the late election at Drogheda, ought to be convinced of the necessity that exists for remedying one of the worst defects that a military system can be subject to, in its relations with the people, viz., the habitual and reckless employment on such occasions of troops armed solely with deadly weapons; the provocation to outrage, on the part of an excited populace being stimulated by the fact (well known to all) that soldiers dare not use their weapons; and are, therefore, at their mercy till the extremity of violence has been reached and the magistrate orders them to *act*; and then, there being but one course open to the officer, he has only to obey his orders and to fire on the people, who, after all, are only rioting.

The phase of contact with the mob which usually precedes the action of the troops, may be briefly described as follows: the bridles of the cavalry horses are seized, and the men struck with sticks; but as they must not use the swords

swords that are in their hands, they have only to submit to be helplessly "driven back on the infantry," while the latter are thrust aside in their ranks, and the voters they are "escorting" deliberately struck in their presence; but the Snider rifle, good against an enemy at a thousand yards, may not avail the soldier against the citizen in this situation; indeed, he becomes more interested in preserving the rifle than the voter's head from injury. He may even see his officer "felled to the ground," and himself and comrades beaten and bleeding; yet, like the Hussar, he must remain passive; or, may be, unable to control himself under such injuries, he fires in defence of himself and officer, and the end is, that a countryman is slain, and the hapless soldier is cast into jail.

These are recent incidents; but, in one form or the other, the same occur at every contested election in Ireland.

The existence of the defect is therefore beyond dispute; and it is equally apparent that this defect is owing to the absence of a due gradation in the employment of physical force; in other words, because no other form of organised force is brought to bear at an election riot between the defeated efforts of the police and the fatal action of the military.

There does not appear to be any sufficient reason why other and more constitutional means might not be resorted to in these circumstances; it is proposed, therefore, to consider the subject from this point of view.

The principle of employing troops at all on such business is not here questioned; it is accepted as an evil necessity. The object of this paper is rather to propose a method by which the requirements of the civil authority should be effectually carried out by the troops; *but not at the cost of their morale.*

The law regards an election riot in a very different light from armed insurrection; and the citizen engaged in the first is treated differently from the rebel; still, however opposite in their character these may be, no corresponding change is ever made in the means with which the soldier is equipped for the suppression of either class of disturbance; that is to say, the sword or the rifle is to be ever in his hand, whether he is shot at by a rebel or pelted with mud by an independant elector, though his conduct in the respective cases is governed by widely different laws and liabilities.

In short, the effectiveness of the armed soldier at an election suffers inversion of its normal state, while his liabilities are increased in alarming proportion to the immunity enjoyed by the citizen.

But the soldier is himself a citizen; he is, therefore, entitled to share in all the consideration that a citizen can claim; and the highest and most important consideration that could be conceded to him is, that when required to aid the civil power at elections, it should be, in the first instance, in his capacity of citizen; in other words, troops should appear on such occasions as special constables, and not as armed soldiers, although retaining their military organisation in every other respect.

In offering this suggestion for consideration, it is not proposed to deny the use of troops armed with deadly weapons, upon the demand of the civil authorities; but, on the contrary in every case, one-third of the contingent should be fully armed, in reserve; and this proportion might be increased on the responsibility of the civil authorities, according to the nature of circumstances.

Major-Gen. *M. McMurdo*, C.B.

8 June 1869.

It is not expected that such a proposal will be received without numerous objections being raised; it is probably too much at variance with professional sentiment to be readily accepted; it may be said that the employment of soldiers in the capacity of special constables would be an unmilitary proceeding. It may be sufficient in reply, to point to the fact that *nothing* can be more unmilitary, false, or abnormal than the present situation of troops at elections in Ireland, as already described.

If it is objected that, to give sticks to the cavalry and truncheons to the infantry, would tend to provoke a conflict with the people; in reply, it may be observed that the reverse would appear to be actually the case. The provocation to conflict (or rather to outrage) already exists (as has been shown at the beginning of this paper), when soldiers armed with pointed weapons which they cannot use, are required to escort voters whom they cannot protect; but a different result might reasonably be expected if the proposed changes in their condition and equipment were effected. For example, the Dragoon, whose bridle is seized with a view to rendering him helpless, might now deliver a sharp stroke with a single stick on the wrist of his assailant; and it is not too much to say, this would be more likely to prove an inducement to *let go* than a provocation to further conflict; while the superior power of horses and their riders in "passaging" briskly through a crowd would cause these military special constables to be respected, instead of as at present, held in utter disregard.

With respect to the infantry, could the belief be seriously entertained that a man would dare to thrust a soldier aside in the ranks to reach the head of a voter he was escorting, if he saw the soldier and his comrades ready to make use of their truncheons? Mobs do not possess the rashness usually attributed to them; on the contrary, their elements are largely imbued with discretion; their courage and determination to mischief are always in accurate ratio with the timidity and incapacity for action displayed on the side of order. It is not, therefore, in their nature to regard a state of preparation to act, as a provocation to conflict.

The Irish, like any other people, will respect authority when legitimately and vigorously enforced; but it is not reasonable to expect that they, any more than Englishmen, will bear patiently the standing menace involved in the habitual display of deadly weapons at their elections.

7528. At Drogheda was not a soldier tried for having fired upon the mob and shot a man?—A soldier was tried in the Court of Queen's Bench in Dublin the other day, and I was present at the trial.

7529. He was tried, was he not, as a citizen, and not as a soldier?—Yes; he was tried as a citizen and not as a soldier.

7530. The troops are held in readiness all over the country before general elections in Ireland, are they not?—Yes; at the last general election they were distributed strategetically, as if the country was in a state of insurrection, and they must have been so distributed at vast cost.

7531. Is not the country in Ireland at the

Major-Gen. *M. McMurdo*, C.B.

8 June 1869.

time of a general election in fact a military occupation?—Yes, clearly in military occupation.

7532. And at the last election you believe that there must have been an enormous sum of money spent in military movements?—There must have been a vast sum of money spent in military movements with this object: to escort voters great distances to the poll, necessitated the distribution of the whole garrison of Ireland all over the country in posts. The 14th Hussars, which formed part of the garrison of Dublin, were spread broadcast over Ireland, their right troop being up at Belfast and their left down at Kinsale.

7533. Just the same as if the country had been in open revolution?—Just so. I commanded the troops in Dublin on the day of the Dublin election, and the posts then occupied by the troops were 10 or 11 in number, and they were distributed as if the city had been in a state of siege, and insurrection apprehended; such a distribution was sufficient to have put down any insurrection.

7534. Were you yourself employed in escorting voters at the late county of Dublin election?—Yes; or rather it was under my directions that those voters were escorted.

7535. From whom did you receive those directions?—I received my directions first of all personally from Lord Strathnairn, who was anxious for the success of the operation, but he recommended me to see also General Sir Thomas Larcom, who was the secretary to the Government, and from whom the application for troops for that purpose had been received by Lord Strathnairn. I accordingly saw the Secretary to the Government upon the subject, and conferred with him.

7536. It is your opinion, I presume, that the present system does not tend to freedom of election in Ireland?—Very far from it.

7537. What remedy would you propose for the present state of things?—Considering that the employment of troops as I have described it, is a violation of the principles of popular election, I should recommend the total abolition of the system; bearing in mind, moreover, that the franchise has been greatly extended, if this system of employing troops to escort voters is continued, the complications will increase; I am therefore of opinion, that with the extension of the franchise, there should be a proportionate increase of protection to the people in the exercise of their rights, and that this can only be done by introducing the ballot.

7538. Do you think that the ballot would be a remedy which would dispense with the necessity for having recourse to the use of the military?—The ballot would protect tenant voters, and every other kind of voters from the conflicting influences which now coerce them; and if the ballot is ingeniously contrived, I see no reason why it should not be an excellent institution, and I dare say it might be supplemented very usefully by an increase of the number of polling places.

7539. Do not you consider it very undesirable that the military should in those civil matters be brought into collision with the people in the exercise of a constitutional privilege?—Clearly, and every Englishman must think so too; it is contrary to all principles of freedom of election.

7540. Sir *Frederick Heygate*.] You consider, I believe, that it is not necessary to employ troops at elections; does your objection principally extend to conveying voters to the poll?—Yes.

7541. Do you extend that objection to maintaining the peace in towns where elections are being held?—I apprehend that soldiers must always be ready to be called upon to preserve the peace, if the civil power should fail in doing so; but in that case they should appear armed as citizens would be, and not with mortal weapons.

7542. But do you consider that they should not have their weapons with them, in case of emergency?—In that paper which has been put in, I have recommended that whatever number of troops are required in such a service, one-third, fully armed, should always be in reserve, and at the call of the magistrate, in the event of extreme measures; one soldier armed with a breech-loader is quite sufficient for a thousand or two thousand mob: two men firing and killing one person in Drogheda cleared the whole street.

7543. With regard to those elections in Ireland, is it not always the case that the military are accompanied by a resident magistrate?—Yes.

7544. Do you know any instance where the military have been used at elections where they have not been sent for upon the requisition of a magistrate?—We have got the most positive orders that we are not to send them unless they are called for by competent authority; that is to say, the magistrate, or the sheriff; a police constable may call out the military, he being a peace officer.

7545. You stated that several cases have come within your knowledge where an inordinate number of troops appear to have been employed, and where there appeared afterwards to have been no necessity?—Yes, at Balbriggan, which was one point where I was placed in the county of Dublin election, at one time I estimated that the force of armed constabulary and military exceeded that of the mob at the polling place. No doubt the presence of an overwhelming force prevented disturbance.

7546. In that instance were those troops sent down at the application of the magistrate?—It was upon the order of the Government, and I have no doubt that that order was induced by the application, either of a magistrate or of one of the candidates; but that I do not know; I only got the order of the Government from Lord Strathnairn, without question as to its source.

7547. Then your opinion would be, if I understand it, that military officers are better judges of the necessity of protection than the magistrates who make the application; could you state that, to the best of your belief, the troops were sent by the requisition of the magistrate in the district?—In the case of an apprehended attack, the magistrate must be the best judge. There was an apprehension of attack upon the convoy of voters coming from Garristown; but I am not aware that riot at the polling place was expected.

7548. Is not the inference that, in your opinion, the judgment of the applicant, that is to say, the resident magistrate, is not so good as that of the military officer as to the necessity of troops being employed?—My opinion as to the necessity was formed after the fact; I found that there was no occasion to employ such a body of troops in escorting voters, as far as any attack was concerned.

7549. If I understand you aright, because no attack

attack was made upon those voters you consider that there was no danger, and never had been any danger?—Of course I do not know that; I only state the fact that this large body of troops did not meet with a single soul on their 12 mile march that opposed them, or even hooted at them. The ordinary means for obtaining correct information was open to the magistrate.

7550. Would not it be the natural consequence, if it was known to those people who intended to interrupt the voters, that they were escorted and protected by a large force of military, that they would not even attempt to interrupt them?—On the contrary, I think the military are rather an attraction for attack when convoying voters.

7551. Is this practice that you speak of, of employing the military, used at every election in Ireland?—Very generally, when the election is contested.

7552. And it has been carried out by every Government in Ireland?—By every successive Government, I believe; I am afraid that it has been a habit in Ireland for a very long time, perhaps from the Cromwellian settlement, when the soldiers of the Commonwealth became landowners amidst hostile populations, and probably resorted to their arms from time to time, not only to maintain their lands, but to carry out their institutions; and successive Governments have since come to look upon that practice of employing armed men at all elections as less a violation of principle than a necessity of the landowners.

7553. If troops were not employed, what do you think would happen at elections?—If troops were not employed, then the Government would be compelled to adopt more sensible measures of election, such as the ballot, and also by increasing the polling places.

7554. Did you ever hear of intimidation by the priests in Ireland?—Yes; there are two influences at work with those tenant voters: the influence of the landlord, and the influence of the priest.

7555. Is it your opinion that it generally is the case that the tenants would almost always rather vote at the instigation of the priest than of the landlord?—I do not know about the instigation of the priest, but if he voted according to his own conscience I think he would not vote against the disestablishment of the Church.

7556. You stated, I think, that the whole of Ireland might be said to have been in military occupation at the last election; do you mean to say that every county in Ireland was in that condition?—Yes; without having reference to the Quartermaster General's returns, I am aware that the troops out of my command, and the troops generally from the garrisons of Ireland, were distributed about the country in numerous detachments.

7557. Were many troops sent up to the northern counties of Ireland?—Yes; a great number.

7558. Will you state the counties to which they were sent?—No, I cannot without reference to the Quartermaster General's returns. But one of the regiments in my brigade was sent to the northern counties; the 17th regiment, of 10 companies, was broken up into detachments.

7559. Can you state what is the usual distance to a polling place which a county voter would usually have to go?—Twelve Irish miles was the distance of the place that I brought in voters to at the last election; and in Tipperary there were five polling places, namely, Tipperary, Cashel, Thurles, Nenagh, and, I think, Clonmel; I am not very sure about the latter one. In the instance that I gave just now of the Waterford election, the escort that I alluded to had to go two days' march for the voters, to receive them over from another escort, but the voters had all escaped.

7560. Do you think that the distance of the polling places from the voter's residence is a very great evil?—Very great.

7561. Are you aware that the late Government attempted to increase the number of polling places previous to the last election?—Yes: and it was a great mistake of the Opposition to defeat the measure.

7562. With regard to the riot which took place the other day in Wales at Mold, do you think that if the military had not been armed with rifles, there would have been less loss of life?—They would have done the work much better, and there would have been no loss of life, and no necessity to fire at all.

7563. Is it your suggestion that the military should have been allowed to attack the rioters with sticks beforehand?—Yes; by the infantry with quarter staffs, certainly. As I understand the Mold riot, the people had taken post upon high banks overlooking the road, and those banks ought to have been cleared by the infantry before the head of the column came under such a disadvantage.

7564. Do you think from your knowledge of Ireland that that principle of action would be efficacious?—I know it from the power given by organisation and drill.

7565. You suggested the ballot as another means of avoiding the use of troops in Ireland, but I presume you mean that the ballot should be held in certain polling places in the towns?—Yes.

7566. How would you propose to keep the access to the ballot clear in case the civil power is not strong enough?—We have some 12,000 or 13,000 constabulary, besides the town police in Ireland, which is an enormous amount of civil force.

7567. Has it not often been urged that the constabulary in the case of a general election taking place, in many towns, at the same time, would not be sufficient to maintain order?—In that case the troops might be called out, but they should be called out as special constables.

7568. In fact you would employ troops at an election after the manner of citizens?—Troops are liable, with other citizens, to be called out at any time for the suppression of civil riot. My only objection is to the troops being armed with mortal weapons when so employed; it renders them so thoroughly inefficient, and dangerous to their countrymen.

7569. If a voter had to exercise his right by the ballot, and had to come to the place where the ballot was kept, he must still be protected by either the civil or the military power, must he not?—I do not think that it would be necessary.

7570. Would not there be the same risk to the voter in coming to the place where the ballot was of his being attacked and interfered with by the mob?—I should think not; he would come as an individual, and not under the demonstration of a military escort.

7571. Not if he was known to be on the unpopular side?—I do not think so; it is a mere matter of opinion; but it is worth trying.

Major-Gen. *M. McMurdo*, C.B.

8 June 1869.

7572. I think you stated that the troops were always accompanied by a magistrate?—Yes.

7573. And that they were never sent except upon the requisition of a magistrate?—Never sent except upon the requisition of a magistrate.

7574. Do you attribute to those magistrates any political feeling in making the application?—I can hardly say so; the resident magistrates are appointed by successive Governments, and no doubt those Governments naturally appoint men favourites of their own, and no doubt there must be a particular bias here and there, but I am not able to state that; I have never heard any complaint of the magistrates; they have always done their duty rightly, I believe.

7575. Is it not the case that the great majority of the resident magistrates have been appointed by Liberal Governments?—That I do not know.

7576. Mr. *Bright.*] You have been asked what would happen if you had the ballot, and the troops were not used to convoy the voters; do you think generally that the voters who are thus convoyed by troops are on one side in those contests; do you ever convoy them on behalf of the side which is espoused by the priests?—I never heard of it.

7577. They are always, then, employed to convoy the electors who are going up on behalf of the party supported by the landlord?—Yes; I believe so.

7578. If you had the ballot, and no landlord and no priest could calculate with certainty as to how any voter would vote, would there be the same inducement to make attacks on voters, and the same necessity to guard them and convoy them?—Certainly not; it is for that very reason that I recommend that the ballot should be used; it would obviate the necessity for escort.

7579. If every man could vote as he liked, every man, in your opinion, would be free to go unmolested to the poll?—I believe so.

7580. You spoke of the election of Waterford, where the voters that you were sent to convoy had vanished?—Yes, they had vanished entirely, under cover of an attack made upon the escort.

7581. If at any point of the march near the polling place the troops were withdrawn, do you think that the voters that they convoy would generally vanish?—It is my impression, that if you had tenants to convoy and you said, "Now get off the cars and vote as you please," they would vanish in another direction altogether; but I must say that is only my impression. In the army we know well that the majority of those tenant voters are going contrary to their inclinations to vote as their landlords wish.

7582. With regard to the question of the troops interfering in any case at an election, I presume you know that there are cases in England where the troops interfere if there be a riot?—That is only in the suppression of riot, but not in taking an active part in escorting voters to the poll; that is never done in England.

7583. I presume your opinion is that the assistance of troops should be confined in Ireland, as it is in England, to maintaining the peace when there is a breach of the peace?—Yes.

7584. But that they should not be employed for any particular party in an election to convoy voters to the poll, where there appears no prospect of their being molested?—That is not only my own opinion, but the opinion of every officer of the army.

7585. Is this plan of convoy very general throughout Ireland?—Generally at all contested elections.

7586. Does it take place in Ulster, for example; have you any experience of Ulster?—No, I have not had experience of Ulster.

7587. But troops are sent down there, are they not, with the view to keep the peace?—Yes.

7588. But in the parts of the country with which you are more acquainted, where the landlords are mainly Protestants and Conservatives, and the tenants mainly Roman Catholics and Liberals, the system of convoy is extensively practised?—Yes, at contested elections.

7589. Mr. *Villiers.*] You do not mean to say, do you, that the voters who go in the interest of the landlord would always be assailed and attacked but for the military; as far as I have understood you, you have said that in Tipperary, for instance, when the troops are there they are chiefly employed to convoy voters who are under the influence of the landlords?—Yes.

7590. And you seldom are required to convoy those under the influence of the priest?—No, not to my knowledge.

7591. What are we to understand about the necessity of this convoy; do you mean that the landlords' voters would be attacked by the priests' voters?—The landlord being a Protestant, he exercises his influence upon his tenants. You know what that influence is, and if those tenants happen to be Roman Catholics yielding to his influence, they must do so contrary to their conscience, and the popular party knowing this very well, take occasion to attack the convoy upon the road, and, during the confusion, to bring off those voters that they know are unwilling to vote as they are taken to the poll to vote; that is why the attack is made upon the convoy. It is not made upon the voters, but it is upon the escort, so as to give the voters occasion to jump off the cars, and so escape.

7592. Does he dare to give his vote for the other side?—I have heard of individuals being hardy enough to do so, but as a general rule they do not.

7593. When a man has been rescued in this way from the convoy, does he dare generally to vote for the priest, or at least for the other side?—I believe they invariably keep out of the way and do not vote at all; we never hear of them again.

7594. In those cases, which I suppose frequently occur, where you say that the convoy has been attacked and the voters taken from the convoy, are they brought up to the poll?—I never heard of such a case.

7595. What do the voters do when they are rescued?—They simply escape.

7596. *Chairman.*] And it is an excuse to the landlord for not having voted?—Yes, that they were in fear of their lives from the attack.

7597. Mr. *Villiers.*] If they allege that they are in fear of their lives from attack, a convoy seems to be necessary, does it not, if they are to vote at all?—Under the circumstances; but if you provide a more sensible arrangement, that would not be so.

7598. I collect from what you say, that under the circumstances, if people are to vote at all a military convoy is required, at least for a portion of

of them?—Yes, if a landlord is resolved to carry his tenants to the poll, he has only to apply to the Government under apprehension of attack, and troops are sent down in order to escort them.

7599. Have you ever seen elections in England?—Yes, I have.

7600. As you are familiar with them in Ireland, you would observe a great difference, would you not, in the character generally of the whole of the proceeding in England and in Ireland?—Perhaps my experience is not sufficient in England to give an opinion from my own knowledge, but from what I have read, I think that they are violent in England sometimes.

7601. But are not the people in Ireland generally more excitable, and are they not more under the immediate influence of the priest and the landlord as you have described them?—Yes; they are under antagonistic influences.

7602. And it is, perhaps, more necessary to have an extra force to protect them when they are exercising their right at an election?—I do not know that; I never would allow troops to interfere at elections, except, as I have said, to keep the peace.

7603. You make the suggestion that you would dispense with them, but until your suggestion is carried into effect, is it not necessary to have an extra force to enable voters to vote, for instance, in the south of Ireland?—No, I think not; I am completely against that principle.

7604. From what you have seen in Tipperary, do you think that troops might be dispensed with now, and that the election would be quiet?—The election would not be quiet without the provision of the ballot.

7605. But it is not now in existence, and supposing that measure is not yet carried, do you suppose that an election would go over quietly even if there was no military force sent to convoy or to protect them to the poll?—In that point of view I suppose it would, for if the landlords could not get their tenant voters to go there, I think it would be a quiet election.

7606. Do you mean that the voters would not vote?—They would not go to the poll at all.

7607–17. Then the election could not be conducted without a military force?—Of course, at the present moment, you employ a military force, but I think it is a most unconstitutional act; you employ a force to execute an injustice.

7618. Are not the military applied for by both sides, generally speaking; is there not an understanding on the part of both sides that the military shall be called out if there is a contested election?—No; I understand that the military are usually asked for by the landlords, and I should say, by the Conservative candidates, but I do not know positively.

7619. From your experience, would you say that it is a grievance with any part of the constituency of a large town, that the military should be there?—In escorting voters; it is a grievous injustice.

7620. Is it so viewed by the people?—It is so viewed.

7621. From what you have seen of the difficulty in voting, and the violence which sometimes occurs, you think that some extra force is needed, and in order to prevent that, you would alter the mode of voting?—I do not think that any force is needed at all, and it ought not to be employed; but I think that the mode of voting ought to be altered.

7622. But that is in consequence of what you expect if the open voting continued, and you propose that there should be secret voting instead?—Yes.

7623. Do you know whether the troops dislike the service?—They get perfectly frantic about it, and they call out "Are we brought here to be murdered"?

7624. Are they generally ill-used by the mob?—I inspected a company that were ill-used by the mob at Drogheda; and I think that there were more than one half the men with cuts and bruises about them, and out of the 64 rifles that were employed there were 49 injured by stones and sticks.

7625. Is not a man allowed to defend himself when he is struck, or when a stone is thrown?—No, not according to military law; a man is not allowed to use his arms or fall out of the ranks without the orders of his officer.

7626. Are the constabulary ever used at elections?—Yes, the constabulary have been used at elections.

7627. And have they acted with effect?—Yes, they are armed.

7628. Mr. *Hunt.*] When you have been on duty at an election in Ireland, have you seen the priests about the streets at the time?—No, not more than usual; I have never seen much of them.

7629. Do you think that the priests have such an influence with the mob that they could stop any riot if they chose to exert that influence?—Very possibly; but I think that the feeling of the mob is not one of religion, but the right of exercising their vote, which is interfered with by the Government coercing them by military escorts.

7630. The point I am asking you about is this; do you think that the priests could prevent the mob assaulting voters who are so escorted, if they chose to use their influence?—The priests could do a great deal in that way, if they chose to do it.

7631. But they do not choose?—I do not suppose that they do choose.

7632. Have you never known any instance when you have been on duty of any minister of religion attempting to prevent the rioting that has been going on?—No, I never heard of it.

7633. The mob are on the same side as the priest, for the most part, are they not?—Yes, the mob are on the same side as the priest; as far as I understand the priests are on the Liberal side always.

7634. Do you think that the priests are not displeased at the mob exercising this intimidation?—I cannot say that.

7635. At all events they make no attempt to prevent it?—I never heard of it. The influence of the priests is exercised to counteract the influence of the landlords, I believe.

7636. The presence of the military might entirely be dispensed with, might it not, if the voters had an opportunity of voting nearer their own homes?—Yes, certainly, with the ballot.

7637. Even without the ballot, would it not be so?—Yes, by increasing the number of polling places; but I would dispense with the military by all means.

7638. Without the ballot, if the voters could vote near their own homes instead of coming up to the towns to vote, might not the presence of the military be dispensed with in almost every case?—

Major-Gen. *M. McMurdo*, C.B.

8 June 1869.

case?—It would very much modify the difficulty, I should suppose.

7639. The riots occur, do they not, from the town mobs attacking the rural voters, and those who escort them?—Not always.

7640. But for the most part?—Not always. The attacks are made in the country, and very well chosen attacks too, not in the towns.

7641. At the entrance to the towns?—Some distance from the towns.

7642. How far from the polling place have you known an attack made?—I cannot tell.

7643. But is not the attack generally made when the escort approaches the neighbourhood of the polling place?—No. With regard to the convoy from Garristown to Balbriggan, for example, which was about 12 Irish miles, I apprehended, and Lord Strathnairn agreed with me, that the attack, if made at all, would be made at certain cross roads, near a little village about half-way, and we apprehended the attack to be made by the people of the country, and not of the town.

7644. That was a case of voters leaving their own homes, and going a distance to vote?—Yes.

7645-46. But suppose those voters who you apprehended would be attacked at those cross roads could have voted nearer their own homes, would that attack have been likely to be made?—Not so likely.

7647. Supposing that instead of as under the present law people having to go to a central place to poll, they could vote in their own parishes near their own residences; do you think that such mob influence would be likely to occur?—No, I do not think it would; they would be very much divided, although at the same time the influence of the landlords would still be exercised over the tenants.

7648. Very likely; but the mob intimidation would not be brought in in the great majority of cases?—The mob intimidation would be subdivided.

7649. Do you think that the presence of the military acts like a red rag to a bull?—Exactly. The people know very well that the soldiers dare not use their arms, and therefore they are all the more audacious.

7650. Do you think that if the ballot were adopted, there would be entire secrecy preserved as to how the electors had voted?—There might not be entire secrecy preserved as regards the influence of the priest over his parishioners; but as the influence of the priest cannot be avoided, it is better that a man should be under the influence of his priest than under the influence of his landlord.

7651. Do you think that the fear of eternal punishment has a better influence over a man than the fear of temporal consequences?—I think that spiritual tyranny is to be preferred to temporal tyranny; at all events, now he has got both.

7652. Do you think it is better for the priest to tell the voter that he will be damned if he does not vote for So-and-so than for the landlord to tell the man that he will lose his farm if he does not vote for So-and-so; do you think that that is a more wholesome influence?—I think that the influence of the landlord is very great indeed in threatening the loss of the farm; but the priest has his influence too; therefore the tenant is under the conflicting influences of those two people, the landlord and the priest, and it would be much better to do away with one of those influences which I refer to, and leave him under the spiritual influence which he himself prefers.

7653. Mr. *Gathorne Hardy.*] Did I rightly understand you to say that the voters were taken as prisoners?—That is merely our feeling.

7654. But I presume that if any one of those persons were to tell the escort, or the commander of the escort, that he wished to be left, he would be left?—No, certainly not; no such discretion is given to officers.

7655. I understand your orders to apply only in the case of an attack upon the escort; but supposing that at starting any one of them said, "I do not wish to go," do you mean to say that the escort would compel him to go?—Certainly; he is committed to their charge. If such a principle was understood, then they might all go.

7656-68. Do you mean from the time the commander of the escort receives the voter, he would not allow him, even of his own free will, to go?—He should take the very greatest care of him, and take care that he does not move from his seat. That is one of the inconveniences of the employment of military men on such service.

7669. In many elections in Ireland, it is not always a question between two parties, but between two shades of the same party; in that case do you find the military to be required just the same as in party contests?—I cannot say; I have no experience of it.

7670. With respect to the use of weapons, I understand that you would always keep a reserve of the military with their deadly weapons, to be called into action, in case of the defeat or retreat of those who had the civil weapons?—Yes.

7671. You stated just now, did you not, that the attacks in Ireland are generally organised?—The attacks upon convoys of voters have of late years been exceedingly well organised.

7672. Do not some of those mobs that so attack show symptoms of having been militarily organised?—Yes.

7673. They are under such command that they select proper passes in which to attack troops who are bringing convoys of voters?—Yes, of late years that has been the case; they are supposed to be headed by Irishmen who have acquired some smattering of military knowledge in America.

7674. Then assuming, for the purpose of argument, that the voters do require to be protected in going to the poll, the military are almost essential to protect them, are they not?—I would avoid giving occasion for attack, and for employing the military at all.

7675. That is your moral opinion upon the subject; but if there be an organised mob for the purpose of preventing voters from voting, who for the sake of argument we will assume to be voters, going freely to vote or wishing to go freely to vote, is it necessary to have the military to meet that organisation that is brought up against them?—Yes; in that case the evil cannot be avoided.

7676. You take the view that all the voters are coerced?—No, I said the majority of them.

7677. Do you not make any allowance for persons voting from old family attachment from having resided in the same place, and voting with their landlords without any coercion at all?—I might assume these to be about one-fourth.

7678. Then that one-fourth would, at all events, be

be unable to get to the poll without some protection?—Under the present system perhaps they would.

7679. Do you think with the late Mr. Sheill, that a number of large villages, with a good mob of patriotic priests in each of them, tends to influence the voter before he gets to the polling place?—No doubt of it.

7680. And if there were a military escort, the votes even of those who wished to vote otherwise would be changed by the time that they got there?—No, I do not think so.

7681. They would be deterred from voting before they got there, would they not?—Yes, if the escort was attacked, and the voter escaped.

7682. And even with the ballot, in your opinion, polling places much nearer the residences of the voters are imperatively required?—I am not very sure of that; but perhaps it might be an assistance, and perhaps not.

7683. Do you think it a reasonable thing that any voter should go what you call a two days' march to the poll?—In the case of the ballot, it would carry him out of the circle of the influence of his landlord.

7684. For instance, take a Protestant tenant, do you think it would be a reasonable thing that he should have to go all that distance to record his vote, through what you evidently feel to be a hostile mob the whole way?—It would be very inconvenient.

7685. And I suppose that, even with the ballot, there would be a very shrewd suspicion of how a Protestant was going to vote?—That is quite true. It is a matter which I have not considered myself, because I am a soldier, and not a politician; but I agree with you now, that in that point of view the polling places or the ballot places ought to be closer together.

7686. At present, there is really very great suffering, is there not, on account of the great distance at which the polling places are situated, alike to the voters and to the military?—Yes, certainly.

7687. Mr. *Bright.*] Do you belong to the Roman Catholic or the Protestant Communion?—I am a Protestant.

7688. Sir *Michael Hicks Beach.*] Are we to understand that your opinion is that the undue influence which is exercised by those convoys of troops is confined to those counties where the landlords are Protestant and the tenants Roman Catholic?—Naturally that would be the case.

7689. Of course in the northern counties, the tenants would wish to vote on the same side as their Protestant landlords?—I assume so, but I have not had much experience of that.

7690. With regard to the Roman Catholic counties, of course in the last election, the Irish Church question exercised considerable influence over the voters?—Yes, naturally.

7691. What are the political opinions of the representatives returned by those counties?—I cannot say; I am a soldier.

7692. Is it not a notorious fact, that in every county of that description, the representatives returned have been persons who were in favour of the disestablishment and disendowment of the Established Church?—I do not know. I never inquire into the political opinions of the candidates that I have to protect; but in the county of Dublin, which has Colonel Taylor as its representative, he is not, I believe, in favour of the disestablishment of the Church.

7693. Do you take the county of Dublin as one of the counties in which voters were convoyed to the poll?—Yes; I commanded on that occasion.

7694. Cannot you give any other instance besides that?—I commanded also in Tipperary, but the election was not contested. I had nothing to do personally with the other counties.

7695. Supposing that, as a rule, you found that the Members returned by those counties were of the popular political opinion, what harm would the convoy of troops have done in those counties to the voters?—That is a question which I cannot answer. I only talk of the broad injustice. It is notorious that the majority of the voters are disinclined to be forwarded under escort in that manner, and therefore it is considered a great injustice.

7696. But the practical result has not been the return of candidates opposed to the popular feeling of the tenants?—I have never taken any notice of that.

7697. When you speak of Tipperary, had the landlords applied to the magistrates for convoys of troops there?—We were all prepared, as my instructions will show, to furnish the convoys to the magistrates and to the landlords.

7698. But, in spite of that readiness on your part, the priests were more powerful than the landlords, inasmuch as the priests' candidates were returned without a contest?—To tell you the truth, I do not know who was returned; I only know that the election was not contested, and that I had nothing to do. Politically, I never took the slightest interest in the matter.

7699. Do you not know the name of the candidates?—I really do not. I may add, that although I have a vote for Dublin, I have never exercised it, because I do not think it proper for an officer in command to interfere in political matters.

7700. You stated that some voters had to go 11 Irish miles to the polling places; what would that be in English miles?—I should say about 14 or 15 miles.

7701. Is it not possible that if the polling place is far distant from the residence of the voter, the popular feeling at the polling place may be very different from the feeling of the voter?—Yes, that is quite possible.

7702. As a rule, are not the politics of agriculturalists very often different from the politics of persons living in towns, upon very many public questions?—Yes; but Balbriggan, where the polling place was, was a mere country town; it was rather a part of the county, and not a borough.

7703. There are other places, are there not, quite as distant from the voters' residences?—Yes, there are.

7704. I presume, at all events, you would admit that there were some cases where voters might really wish to record their votes in opposition to the popular feeling prevailing at the polling place to which they were going?—That is possible; but I am unable to give any information upon that subject.

7705. If the ballot were adopted, no doubt there would be men whose opinions were well known, and they would be liable to an attack on their way to the polling place, would they not?—The people might go individually by train, by omnibus, or by car, or by any other than the ordinary road; when an attack is made, it is

Major-Gen. *M. McMurdo*, C.B

8 June 1869.

upon a convoy known to be marching by a certain route, at a certain hour, to a certain place. But from Garristown to Balbriggan, for example; there are three roads by which a voter could go; and no party could lay in wait for him if he chose his own hour and his own route.

7706. But there would be the same inducement, would there not, to stop those voters from voting as at present, under the system of open voting?—Supposing those voters to be protestants and known to vote with their landlords from their own wish, perhaps that might be so.

7707-8. That would be of course undue interference with their freedom of voting?— Yes, certainly.

7709. And you would propose, as I understand, to allow soldiers to be employed in a certain way in preserving order in such a case?—In preserving peace, soldiers can always be employed.

7710. Such interference might involve, might it not, a breach of the peace?—Yes, such interference might involve a breach of the peace, and in that case the soldiers would be liable, as any other class of citizens, to be called out to suppress a riot.

7711. You would call them out as special constables?—Yes, as special constables, with non-mortal weapons.

7712. And under the orders of their officers?—Yes, under the whole system of discipline and drill that we have in the army, only that the weapons should be left at home. I should give the infantry quarter-staves, and it would do them a great deal of good to learn how to use them.

7713. In the case of an important riot, how would you meet it?—There should always be one-third of the troops fully armed to meet serious cases.

7714. And they would only be called in in case of need?—They would be armed so as to act at any moment.

7715. Do you think that such an alteration as that would do away with a great many of the objections to the employment of the military in Ireland?—Yes; and I am quite sure that it would cause the military when interfering in riots to be respected by the people.

7716. Mr. *Graves.*] Do you consider that a quarter-staff in the hands of a soldier would be as well used as a shillelagh in the hands of a Tipperary man?—Putting a Tipperary man and a soldier with his quarter-staff in this arena here, I daresay the Tipperary man would beat the soldier; but remember that the whole organisation of a regiment, or a company, or a section, under its officers and non-commissioned officers, would be brought to bear against the mob, and then the soldier, as a unit of that organisation, would be superior to the Tipperary man.

7717. But it is usual, is it not, in those cases of attacks upon military convoys that those men are armed with sticks?—Yes, with sticks and stones as well.

7718. So that the mob would have a double advantage, in fact, in acting against the military under such circumstances?—The mob enjoy that double advantage now, for the military are encumbered with weapons they dare not use except in dire extremity. Put staves in the hands of soldiers, and the double advantage will pass to their side. When a mob holds an advantageous position it should be dislodged by turning, without an attack in front; that could always be managed.

7719. Is it not notorious that in those contests in Ireland each of the candidates generally selects a mob to assist him in canvassing?—Yes, that is very common, and I believe in England, too.

7720. But it is generally the case in Ireland?—Yes.

7721. Is not it a part of the tactics of an Irish election that those mobs should endeavour to intimidate each other or the voters?—The voters.

7722. And the candidate having the largest number of a mob, and the best armed, would probably have the greatest effect in influencing the voters if the military were not there to interfere and keep the peace?—There are two services in which the military are employed; the one is keeping the peace, and the other is escorting voters. I am not quite sure which the honourable Member means.

7723. I would ask you simply now to take a town in Ireland, and a contested election, with mobs on each side, as is usual; what substitution for preserving the peace would you propose in place of the military?—In case of riot I think the military ought to be called out to assist in keeping the peace, but with non-mortal weapons.

7724. Did I rightly understand you to say that the military had a very injurious effect in exciting the mob in Ireland?—They excite the mob when employed in coercing voters, and because they have in their hands weapons which they dare not use.

7725. And, therefore, they are not upon equal terms?—No; they are not upon equal terms, because a soldier dares not use his rifle, and the mob who attack him know this, too.

7726. Then you would still have the military for the preservation of the peace, but not to be used in any way as convoys for voters, as I understand you?—Yes, that is so.

7727. Are you at all aware of the evidence which was given before the Tipperary Election Committee of 1867?—No; not all.

7728. You were not in Ireland at that time, were you?—Yes, I was; but I did not read all that evidence.

7729. You are aware, perhaps, that the Committee reported that very serious disturbances had taken place at that election?—Yes.

7730. Do you at all suppose that those disturbances were in any way connected with the appearance of the military as convoys?—Of course, the fact that the people were aware that the military were taking their brethren almost as prisoners from one spot to another, for the purpose of making them vote as their landlords desired them, and not according to their inclinations, excited the people against the military, and they attacked the military, and in some cases with success.

7731. In that particular case I see that there was a large amount of abduction of voters without any military being present; would you consider that that should be allowed?—It should not be allowed, but I think that the military ought not to be employed in obviating it.

7732. Did I understand you to say that the priests in Ireland at the time of a general election would be more active than at other times?—No; I have read of priests being exceedingly active, but I have never seen it myself.

7733. You

7733. You have stated that the landlords were the parties who have generally made the application for this particular kind of protection for their voters; who is the person really responsible for the preservation of the peace in the conduct of an election in a borough in Ireland?—I fancy the mayor, and the magistrates are responsible.

7734. Would the landlords at all have any right to interfere in a borough?—No; the landlord applies to the Government for an escort through the county to escort his voters to the polling place.

7735. As far as the boroughs are concerned, the landlords do not appear at all there?—No, not at all.

7736. As regards the counties, is it not the usual course that the application should come from the magistrates, or through the sheriff?—Yes.

7737–52. What means have you of knowing that those applications come from the landlords?—Only by inference. I mentioned in a former part of my evidence that my instructions came from the Government, influenced, no doubt, by landlords who wanted to have their voters protected.

7753. Do you know upon what requisition the magistrates act; is it upon the sworn information of anyone as to the necessity of employing the military, or do they act simply from private information?—I think it is from private information as well as sworn information; but I cannot state positively.

7754. Are you in the habit of receiving the orders of individual magistrates, or the magistrates sitting in petty sessions?—Our orders are to obey the orders of any magistrate, or any sheriff.

7755. For the purpose of the convoy of voters, what orders do you receive?—For the purpose of the convoy of voters, we generally receive our orders from head quarters; that is, from the Commander of the Forces office, through the Military Secretary, and he receives a requisition from the Government, but where the Government receive their requisition from I am not able to say.

7756–57. Then it is from a communication between the magistrates of the locality and the Government?—Yes, I apprehend so.

7758. Mr. *Whitbread.*] Speaking of the conveyance of voters by convoys to vote against their inclinations, did you ever know a case where a voter so convoyed expressed his wish to leave the convoy, and permission to do so was refused to him?—No, I never heard of such a case.

7759. *Chairman.*] Are the views which you have expressed, do you think, generally held by officers?—Yes.

7760. Have you discussed this subject very much?—Yes, a good deal as to the escort of voters.

7761. Do you think it is generally regarded by the officers as being a service on which the troops ought not to be employed?—Yes, that is their opinion.

7762. Sir *Frederick Heygate.*] Do you know the Irish constabulary?—Yes.

7763. How are they armed?—With a rifle and sword bayonet.

7764. Are they armed in all respects in the ordinary way that soldiers are?—Yes.

7765. Are they drilled in the same way?—In the same way, and magnificent troops they make.

7766. In fact you consider them in the light of a military force?—Yes, quite so, to all intents and purposes; they are the connecting armed link between the civil power and the military.

7767. And yet it is to this body that you would entrust the duty of maintaining the peace at elections in towns?—Not armed; they should be provided with staves in the same manner that soldiers should be provided; I would not ordinarily allow a mortal weapon to be used against a crowd.

7768. Your objection in fact applies, does it not, to the principle of arming the constabulary with rifles?—No, my objection is not that, because I believe that the fact that 12,000 or 13,000 constabulary armed with rifles and drilled as soldiers has been the saving of Ireland in the late Fenian risings. The great value of this admirable force is that the men are capable of being detached in very small parties, an advantage which we do not possess in the army. The military have had little to do with the suppression of Fenianism in comparison with the constabulary, and therefore I would not have the constabulary arms taken away, but when the constabulary are required to act in the suppression of ordinary civil riots, as at elections, they should not be armed with pointed weapons.

7769. When they are called upon to preserve the peace in towns where there is an apprehension of an election riot, you would not allow them to have their arms with them?—Not then.

7770. What would you substitute for their arms?—A quarterstaff and a truncheon; one-third remaining armed.

7771. Have you had much experience in Ireland for a long period of time?—No, only two-and-a-half years.

7772. Were you ever there before?—Yes, as a young officer.

7773. But you never had any experience in command, or in a responsible position, until within the last two years?—Not as a general officer, but I had a collision with the people as a subaltern officer in command.

7774. Do you think, from what you have seen of the people of the country, that the constabulary would be able to maintain the peace with the ordinary truncheon or quarterstaff in Ireland?—Not invariably, perhaps; but when a riot takes place it is usually upon the occasion of some election, or other municipal function, and in that case there is generally a concentration of constabulary, as there is a concentration of the military, and whatever number of constabulary was so concentrated, and called out, for the suppression of a civil riot, this force should, with the exception of one-third of their number, leave their arms behind, as the military should do, and act in a body with non-mortal weapons. But the normal state of the Irish constabulary is that of an armed body, which I would not alter at present.

7775. You consider the position of a constable to be exactly similar to the position of an infantry soldier in case of a riot having taken place, and having made use of his arms?—Yes, in case of civil riots.

7776. You are aware, that in the case of riotous assemblies in England, special constables are largely employed; from what you know of Ireland, do you think it possible that special constables could be called out and act efficaciously in Ireland?—I am afraid not; the circumstances

Major-Gen. *M. McMurdo*, C.B.

8 June 1869.

of Ireland at present put that out of the question.

7777. Then you consider that there is no difference really between the constabulary in Ireland armed with the rifle and the military armed with the rifle?—Militarily there is no difference, but the constabulary are also peace officers.

7778. Therefore, my objection to employing the military applies equally to the constabulary?—Yes, in point of concentration or concentrated action.

7779. Mr. *Bright.*] I understand from your evidence that you rather prefer the influence of the priest to the influence of the landlord in Ireland?—Yes; you cannot have the influence of the landlord exercised without also the influence of the priest, so that there is a double influence exercised upon the tenant, and if the tenant was to be deprived of any, I would much rather that he was deprived of the influence of the landlord and remain with his priest.

7780. Do you suppose that the existence of the intimidation or coercion of the landlord excites and is the cause in many cases of the exercise of the influence of the priest?—The influence of the priest is exercised to counteract that of the landlord, of course.

7781. If you had the ballot I understand your opinion to be, that the influence of the landlord, not the influence to which some reference has been made, which comes from old connection and from sympathy, but the illegitimate influence, would be destroyed; do you think that that state of things would tend greatly to lessen the influence of the priests, and the part which they now take in elections?—It would make it less called for, and the priest would not meddle so much in politics as he does at the present time.

7782. You were asked by the Chairman whether, amongst the officers, the question of employing the military was a subject of discussion, and you said that it was; should you say the same with regard to the question of the ballot, as a means of tranquillising elections in Ireland?—That has never been discussed by the officers—officers never discuss politics. I stated it because my own opinion was asked.

7783. But I mean with regard to their own duties?—They are quite clear with regard to their own duties, that they ought not to be employed in escorting voters.

7784. That is your clear opinion?—Yes; and the clear opinion of the officers of the army generally.

7785. *Chairman.*] Has that question of the employment of soldiers as special constables also been much discussed?—No; never.

7786. You do not know whether your views on that subject are agreed in by other officers?—No; they are not likely to be agreed in, because all professions have got very strong prejudices, and it would require some time for the officers to understand the change that I propose. I have never discussed it with the officers at all.

7787. You think that probably at first sight it would not be popular?—Perhaps not; I cannot tell

7788. *The O'Conor Don.*] You stated, in answer to a question from one member of the Committee, that requisitions for troops to escort voters always came from the magistrates; are we to understand by magistrates resident magistrates or local magistrates?—If I said so, I must have made a mistake; what I meant to say was, that those requisitions reached us through the Government, and the military secretary.

7789. They never came direct to you from the magistrates?—Never; a magistrate has the power to call upon us to suppress a riot at any time; even a police officer could turn the military out for that purpose.

7790. You are not aware of a requisition ever being made to a commanding officer to give an escort for the conduct of voters direct from the magistrate to the commanding officer?—I think, perhaps, I have not made myself understood. The Government desire that a certain county where a contested election is apprehended should be occupied so as to give escorts to voters when required. That is the chief requisition; and those requisitions, which I will call subsidiary requisitions, are given to the officers commanding the various posts, by the resident magistrates at those posts, and the local magistrates.

7791. Therefore a local magistrate who is also a landed proprietor, having a large number of tenant voters, can, of his own motion, apply to the officer for an escort to escort his tenants to the poll?—Yes; and the officer is bound to comply with the requisition.

Mr. James Kennedy, called in; and Examined.

Mr. *J. Kennedy.*

7792. Sir *Michael Hicks Beach.*] Where do you reside?—In the parish of Sanquhar, in Dumfriesshire.

7793. What is your occupation?—I am a tenant farmer.

7794. What is the amount of your holding?—I pay about 3,000 *l.* a year for land in the counties of Dumfries, Kirkcudbright, and Caithness.

7795. What is the amount of your holding in the county of Dumfries?—£ 1,000 a year.

7796. Under how many landlords are you tenant?—In Dumfriesshire only one.

7797. Are you under the same landlord in the other counties?—No; they are all different landlords.

7798. Did you take an active part in the Dumfriesshire elections of 1868 and 1869?—I did, more particularly in the second election in March in this year.

7799. Were you chairman, or an active member on any committee?—I was chairman of a parochial committee, and chairman of the general meetings of the tenant farmers, held at Dumfries, on behalf of the Conservative candidate.

7800. You were connected also with the election in 1868; to what do you attribute the loss of that election by the Conservatives?—To the want of general organisation, and perhaps more particularly to the very prevailing idea in the county amongst the tenant farmers that the sitting Member would be returned by a large majority; consequently, a great number of the tenant farmers did not come up to the poll.

7801. The county had not been tested for many years previously, had it?—I believe not for 60 years, or something like that.

7802. Therefore there was a general feeling amongst the tenant farmers that a resident candidate

date would be certain to win as against a non-resident?—There was.

7803. What feeling did the result of that election excite amongst the tenant farmers in Dumfriesshire?—A very unsatisfactory one.

7804. In what way?—In this way; we consider that a stranger who knew nothing of the interests of an agricultural county, such as Dumfriesshire is, was not a proper person to represent, more particularly the tenant farmers that I speak of.

7805. What course was adopted by the tenant farmers when they understood that there was a doubt as to the legality of the return of Sir Sidney Waterlow?—There was a small meeting of tenant farmers, I may say a private meeting, and they came to a resolution to call a public meeting the following week, which was done: at that meeting, it was resolved to apply to Mr. Hope Johnstone to come forward in the Conservative interest for the county, but on application to Mr. Johnstone he refused. The Conservative cause was then a good deal discouraged, and in December, or about that time, Sir Sidney Waterlow issued circulars to every voter in the county, with a card, asking them in the event of his election being declared not valid to return this card, saying that they would support him again, which was done very generally.

7806. Do you mean that a good many persons promised Sir Sidney Waterlow their support, thinking that there would be no other candidate?—Yes.

7807. You were present, I suppose, at those meetings to which you have alluded?—I was present at most of them; indeed I was at all but two, I think.

7808. Of what class were the people who attended those meetings?—Principally tenant farmers.

7809. Was there any influence exercised by the landlords in getting up those meetings?—No; it was entirely a tenant farmers' movement.

7810. Did the landlords take any action in the matter at all?—Some of them did, but not generally speaking.

7811. In what way did they take action; were they cordially in accordance with the tenant farmers in wishing that there should be a contest?—No; the landlords generally expressed themselves against the movement.

7812. Am I to understand from you that the people in Dumfriesshire, who were really anxious for a Conservative candidate to be brought forward at the second election, were tenant farmers?—Yes, that is my belief.

7813. That was, I believe, mainly on the ground that they wished for a local representative who was connected with the county, and who understood agricultural questions?—Yes.

7814. Who were the persons who mainly canvassed at that second election on behalf of Major Walker?—The tenant farmers.

7815. Did you canvass on his behalf?—I called on one or two voters; a very few indeed.

7816. Were those tenant farmers who canvassed on his behalf the smaller class or the larger class of farmers?—The larger class, generally speaking.

7817. They are persons of independent position, are they not?—Yes, persons of independent positions, quite.

7818. It was stated by one of the witnesses before this Committee that the majority of the tenant-farmers in Dumfriesshire voted for the Liberal candidate; is that your opinion?—No, that is not the case; there were somewhere about two-thirds of the tenant farmers voted for the Conservative candidate.

7819. Can you give the Committee any idea of the class of voters by whom Sir Sidney Waterlow was mainly supported?—They were tradesmen and merchants in the smaller towns and villages in the county, such as Moffatt, Langholm, Lockerbie, and Penpont.

7820. Was the contest, then, rather one of the agricultural class against those resident in the small towns?—Yes, that was the contest principally.

7821. And those who supported Major Walker did so perfectly independently of their landlords?—Quite so.

7822. It has been stated that the election of 1869 was turned by the undue influence of the landlords in favour of Major Walker; what is your opinion as to that statement?—I have reason to meet with a great many tenant farmers in the county in my usual business, and since reading that evidence I have made some inquiry, and I have not been able to find a single case, nor have I ever heard a single tenant complain of any undue influence either in the way of intimidation or by other means, fair promises, or anything of that kind.

7823. The evidence of intimidation that was given before this Committee was rather general, I think, than special; at least no cases being named, it is difficult, of course, to look at it except in a general light, but looking at it in a general light, could any general system of intimidation have existed without your knowledge?—I do not think so.

7824. It was stated that though they would have been able, if the petition had been proceeded with, to prove considerable intimidation on the part of the landlords and factors, it was difficult to prove it legally, because it was difficult to prove the evidence of agency; what is your opinion upon that point?—The landlords and factors in the county were generally on Major Walker's committee; if that proves the fact of agency it is the case that they were upon the committee, and were so far active in canvassing for Major Walker.

7825. Are you aware that in some cases the fact of a person being on a committee has been taken as a proof of agency?—I am not aware of that fact.

7826. But if that were so, you would be of opinion that, as regards the factors, they were on Major Walker's committee, and could easily have been proved to have been his agents?—Yes.

7827. Were you present at the nomination?—Yes, at the nomination in 1868; not at the last nomination.

7828. Did the nomination in 1868 go off quietly?—There was no mob and no riot; but the Conservative candidate and his nominator and seconder were not heard.

7829. Did those present make a noise and decline to hear them?—Yes.

7830. Were you present at any polling places in the election of 1869?—I was present at Thornhill, in both elections.

7831. Were there any difficulties put in the way of the voters for Major Walker upon that occasion?—In 1868 there was a good deal of abuse

Mr. *J. Kennedy.*

8 June 1869.

to Major Walker's supporters, such as throwing rotten fish, and soot, and spitting upon people who voted for Major Walker.

7832. Were any persons severely injured?—No; some gentlemen were put down in the street; jostled so much as to be thrown down in the street.

7833. Then there was a sort of rabble in favour of the other candidate?—Yes.

7834. It was stated that it was generally believed that those tenants who had leases to run out, and who voted for the Liberal candidate, would not have their leases renewed; so far as you have been able to learn, is there any general opinion of that kind?—No, I do not think there is.

7835. Do you think so yourself?—No, I have no such idea.

7836. It is stated that the Dissenting clergy in Dumfriesshire did not exercise any undue influence in their chapels; what is your opinion upon that point?—There were meetings held in their chapels, and on some occasions they took the chair, and made very violent speeches.

7837. Did any cases come to your knowledge where the supporters of the Conservative candidate were named and abused in consequence of the support given to him?—There were none named that I am aware of.

7838. Were they violent speeches mostly?—Yes, mostly so.

7839. It was mentioned that public opinion in Dumfriesshire had since the election turned in favour of the ballot, and that a petition had been signed by a great number of people in favour of the ballot; do you know what the class of persons were who signed that petition?—I never knew that there was a petition until I saw it in the evidence here; I never heard of it in the county, at least, not in the parish where I reside; there was no such thing there.

7840. I think one of the witnesses said that a great many of the tenant farmers who voted for Major Walker at the last election were anxious for the ballot; is that your opinion?—No, it is not.

7841. Do you think that that is the case?—I do not think that the tenant farmers wish for the ballot as a rule.

7842. It is strange that you should not have heard of that petition, because it was signed by 5,000 or 6,000 people; is not that a large number out of the population of Dumfriesshire?—The population is 78,000.

7843. Therefore you would hardly take that as representing the feeling of the county?—No; I believe those signatures must have been mostly got in the boroughs or in the villages. I do not think it was general at all in the landward part of the county.

7844. Are there many resident landlords in the county, or does the county belong mainly to absentee proprietors?—The majority of the landlords reside.

7845. You stated that the farmers were very active in canvassing for Major Walker at the election of 1869; were there many paid agents employed on his behalf at that election?—Only one that I am aware of.

7846. Then there must have been a considerable difference, I imagine, in that respect between the election of 1868 and that of 1869? Yes.

7847. There is a statement, I think, made by one witness, relating to the election of 1868, in answer to Question 5983, "At the very beginning of the last contest, the Conservative agent issued retaining fees to from 12 to 15 lawyers and bank agents in the small villages throughout the county, those men received fees of from 80 to 100 guineas; they did not do work sufficient to justify that payment, and they were paid for the influence they could exercise upon their clients, and not for any work that they could have done in canvassing." What is your opinion as to the truth of that statement?—There were more paid agents in 1868, that I am aware of; but so far as exercising any influence, I do not think that those agents were appointed for any such purpose.

7848. Was the feeling of the tenant farmers in favour of a resident candidate so keen in the election of 1869 that it was found possible to dispense with paid agents practically?—Yes.

7849. In fact, they were willing to work as well as vote?—They were very willing to work, indeed.

7850. When it was known in Dumfriesshire that evidence had been given before the Committee as to intimidation by landlords, was there any feeling evoked among the tenant farmers?—They were very indignant, generally speaking.

7851. Was there a great wish on the part of any of them to come up and give evidence to the contrary?—Yes, I believe any number might have been got to have come up to be examined.

7852. You came up entirely of your own free will and by your own wish, did you not?—Quite at my own free will.

7853. In point of fact, do you appear here because you wish to tell the Committee that the last election was fought by a particular class?—Yes, by the tenant farmers, of whom I am one myself.

7854. To what class do you consider that the success of the last election in Dumfriesshire was owing?—To what I have already stated regarding the voters that did not come forward in 1868; they came forward many of them in 1869.

7855. Why did they do so?—Just because their feeling was towards a local candidate.

7856. It was on account of their own feeling, and not on account of any undue pressure?—On account of their own feeling entirely, I believe.

7857. Mr. *Leatham.*] Did the factors generally take an active part in the last election?—Nothing like so active as the tenant farmers.

7858. But the factors, you say, were, with very few exceptions, on the committees?—Yes.

7859. And the landlords also?—Yes.

7860. Do not you think that the fact of the landlords and the factors being on committees, would be likely to weigh with the tenant farmers as a body?—No, I do not think so.

7861. Was the present Member returned by a large majority at the last election?—A majority of 36, I think.

7862. And beaten by how many at the preceding election?—Forty-four.

7863. Do you think that the difference of 80 votes was to be accounted for simply by the fact that the tenant farmers did not come up at the first election to vote because they thought that the candidate's seat was safe?—Yes, I attribute it to that.

7864. Why did Mr. Hope-Johnstone refuse to stand?—He did not give any reasons that I am aware of.

7865. You

7865. You do not think that it was because he thought it uncertain whether he would be returned?—No, I do not think so; it was his age, I think.

7866. Mr. *Edward Egerton.*] He sat in Parliament for 40 years, did he not?—I believe he did.

7867. Mr. *Leatham.*] Has your attention been called to the special cases of intimidation mentioned by Mr. McGowan?—No; I read Mr. McGowan's evidence.

7868. But your attention has not been called to all the cases that he mentioned?—No.

7869. Have you any idea who he meant by the persons to whom he referred?—I have no certain idea; I have heard what the country has said in the matter.

7870. You are not in a position to contradict any one of those alleged instances of intimidation?—No; I am not.

7871. Mr. *Bright.*] To what church do you belong?—To the Established Church of Scotland.

7872. You said that the Dissenting ministers made violent speeches; who are the Dissenting ministers?—The United Presbyterians, and the Free Church are the principal bodies.

7873. Do you call them Dissenters in Scotland?—We do.

7874. Did you hear any of the speeches?—No; I did not.

7875. You do not often go, I suppose, to Dissenting places of worship?—No.

7876. Still not having heard any of them you say that they made very violent speeches?—Some of them were reported in the newspapers.

7877. How many years was it before this last election, that there was a contest in your county?—I believe 60 years.

7878. What have been the politics of the Members during the whole of that time?—Generally speaking, the Conservatives have held the county.

7879. And the last Member had been a resident, had he not?—Yes.

7880. And at the general election the landlords, you say, did not care about a contest, and rather discouraged it?—At the last contest they did.

7881. Was the reason why the landlords discouraged it that they did not see much hope of success?—Yes, that was one reason given.

7882. They judged, I presume, from the general feeling of the county?—Yes, and the advantage which Sir Sidney Waterlow had in having got those cards sent in signed that they would support him,; and likewise the defective state of the registration roll.

7883. But the landlords felt that the feeling of the county was against their views, and therefore they were not disposed to contest it, until some of the farmers stepped out and provoked a contest?—That was so.

7884. *Chairman.*] Mr. McGowan stated that a considerable number of voters who had voted for the Liberal candidate in the election of 1868, voted against the Liberal candidate in 1869; do you know whether that is the fact or not?—There were a few, not many.

7885. Enough to turn the election?—I think there were 17 that voted for Major Walker in 1868 voted for Sir Sidney Waterlow in 1869; and 14 that voted for Sir Sidney Waterlow in 1868 voted for Major Walker in 1869.

7886. You think that there was about as much change on one side as on the other?—There was more; three more changes in the one case than in the other.

7887. Did you attempt to find out the reason of the change in any cases?—No, I did not.

7888. Do you know whether those who changed were in any cases tenant farmers?—I do not know any of them; there were none of them in my neighbourhood of the county, so that I cannot speak anything about them.

7889. Sir *Michael Hicks Beach.*] The fact of many of the landlords and factors being on Major Walker's committee would scarcely be sufficient to intimidate the farmers, would it?—No; I do not think so.

7890. I suppose the Scotch farmers are not very easily intimidated?—I am glad to say that we are in a position, so far, independent of our landlords.

7891. One question as to agents; it was stated, and I think you agree with it, that Major Walker, at the election in 1868, had many more agents than Sir Sydney Waterlow; are you aware that Sir Sydney Waterlow employed any other agents except those resident in the county?—Yes; I am aware that he had a staff of professional men from London.

7892. Did he bring them down with him?—Yes, he did.

7893. And, therefore, that might be a reason why he should require to employ fewer in the county?—Yes.

Captain Carthew Yorstown, called in; and Examined.

7894. Sir *Michael Hicks Beach.*] Are you a resident in Dumfriesshire?—Yes.

7895. Did you take an active part in the last election?—Yes.

7896. And in the one in 1868?—Both.

7897. You have heard the evidence of Mr. Kennedy; do you concur in what he has stated?—Distinctly.

7898. Do you wish to add anything to it upon the general question of intimidation by landlords?—I may state my own experience, which is not that of a tenant farmer, but I reside as a proprietor in the county. The proprietors and the tenant farmers of the district meet very often, and I think if it had existed to any extent, or I may say at all, in any marked instance, I could not have failed to have heard of it. I have never heard upon any occasion, or in any class, any case of intimidation or oppression alluded to.

7899. Do you concur with Mr. Kennedy that a very large proportion of the farmers supported Major Walker, and not Sir Sydney Waterlow?—Distinctly. The majority against Major Walker was made up chiefly of the residents and tradesmen in small towns and villages; and if I remember rightly, 272 electors in these towns and villages, most of whom were enfranchised by the Act of 1868, voted at the elections of 1868 and 1869, and of these 203 voted for Sir Sydney Waterloo, while only 69 voted for Major Walker. I think that that showed an overwhelming majority

Captain *C. Yorstown.*

8 June 1869.

majority for the Liberal candidate at those places.

7900. You would concur, would you not, in the opinion expressed by the last witness, that it was a contest rather between the rural and the urban population?—Certainly. The greater part of the wealthy farmers of the county. Eight-tenths of the entire agricultural interest, proprietors and tenants, were in favour of Major Walker.

7901. Are the wealthy farmers whom you speak of well known to be an independent class?—Yes, they all hold long leases, and they are independent of the landlords, as much so as the landlords are of them, I think.

7902. There is one particular instance of intimidation spoken to by Mr. McGowan, which, I think, you know something of, the case of the limekiln. Mr. McGowan stated that the tenant of a limekiln, who had held the limekiln for 32 years, voted Liberal in November against his landlord's wish, and the kiln was let over his head to another tenant; do you know anything about that case?—Yes; I believe it to be completely distorted. That limekiln was let to the new tenant at a rise, I am told, of upwards of 30 per cent., the old tenant having declined to make a rise of rent to that extent.

7903. In fact, the change of tenancy was due to that circumstance?—Yes, it was due to the rise of rent, which the old tenant refused to give; that is, as I am informed, upon the best authority.

7904. Is there any other special case which Mr. McGowan referred to with which you are acquainted?—No; they are so indefinite that I really cannot speak of them with any degree of certainty. The limekiln pointed distinctly to one particular case; but as to the other cases I cannot say anything.

Friday, 11*th June* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	Mr. Staveley Hill.
Mr. Brand.	Mr. Howes.
Mr. Cross.	Mr. Hunt.
Mr. Dalglish.	Mr. James.
Mr. Edward Egerton.	Mr. Leatham.
Sir George Grey.	Mr. Locke.
Mr. Gathorne Hardy.	The O'Conor Don.
The Marquis of Hartington.	Mr. Villiers.
Sir Frederick Heygate.	Mr. Whitbread.

THE RIGHT HON. THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. WILLIAM SCOTT, called in; and Examined.

Mr. *W. Scott.* 11 June 1869.

7905. Mr. *Leatham.*] YOU are the tenant of the Marquis of Lothian, are you not, to whom Mr. Otto referred in his examination?—Yes.

7906. Do you object to state the sum which you pay in rent to various landlords?—I pay over 5,000*l.* per annum.

7907. Have you taken any other farm since you received notice to quit from the Marquis?—I have taken the farm of Cessford, belonging to the Duke of Roxburgh.

7908. Is it a large farm?—Yes, I believe it is, perhaps the largest arable farm in Scotland.

7909. About how many acres of arable land altogether do you farm?—Something near to 3,000 acres of arable besides pasture land.

7910. What rent do you pay to the Marquis of Lothian?—About 800*l.* to the Marquis of Lothian.

7911. Do you remember the conversation at Hawick, to which Mr. Otto referred as the probable cause of your dismissal?—I do not know whether it is the conversation referred to or not, but I remember having a conversation on election matters both at Hawick and elsewhere. I was often twitted by the statement that as my farm was nearly out of lease, they knew pertectly well who I would vote for; and being often twitted, I very indignantly repelled the statement, and said that I would neither be influenced by one thing nor another; that I would vote according to my own opinions, independently of either the farm or Lord Lothian. I stated this to other parties with whom I met. I was very frequently twitted both in Hawick and other places over the county.

7912. Was it at a farmers' dinner that you stated this?—No.

7913. Was it a farmers' meeting?—No, not a meeting of farmers at all.

7914. Not any public occasion at all?—No.

7915. Are you quite sure that you used no disrespectful epithet, speaking of either the Marquis or the family?—I am quite sure of it.

7916. Did Mr. Otto tell you why the notice to quit was given you at the time when he told you that you should leave your farm?—He did.

7917. Are you quite positive of that?—Quite positive upon that.

7918. It was not an inference in your own mind?—Not in the slightest; he told me positively. We had a long conversation.

7919. Will you state the words which he used, as nearly as you can remember them?—I had written to him previously. I had heard a report that I had broken a pledge, and I wrote to him for an explanation; and about three days afterwards he came to me, and said he had got my note last night, as he had been away from home for a day or two; that such an idea never entered his head as that I had broken my pledge; but he said, "I may tell you that nothing more can be done about the farm." I said, "Why; what is up"? He said, "I have the report cut and dry, ready for the Marquis's approval; but he positively declines to enter into a new lease, because you voted against his brother."

7920. Are you quite sure that he used the words "because you voted against his brother"?—Quite sure.

7921. Has your brother had any conversation with Mr. Otto since with respect to your dismissal?—Yes.

7922. Did your brother state to you the purport of that conversation?—Yes.

7923. Did that confirm or remove your belief as to the cause of your losing your farm?—It confirmed it. It was to the effect that the Marquis of Lothian had done it on the spur of the moment after the election, but that he had no doubt that the Marquis regretted it now.

7924. There were two farms re-let to Liberals, as was mentioned by Mr. Otto; do you know when the leases would fall in of those farms, and whether arrangements were not made for their renewal?—The leases fell out at Whit Sunday last, but the renewal took place in 1867.

7925. Was the agreement signed?—Yes, in 1867, with the exception of one which was early in 1868.

7926. That was a whole year before?—It was 12 months before the election.

Mr. *W. Scott.*

11 June 1869.

7927. A portion of a letter was put in the other day which was stated was written by you to the Marquis, but the whole of the letter was not put in; are you in a position to place the rest of the letter before the Committee?—Yes, I have a copy of it.

7928. Sir *George Grey.*] Did you make a copy of the letter at the time you sent it?—Yes.

7929. Is this the copy which you now produce?—It is.

7930. Mr. *Leatham.*] Will you read the letter to the Committee?—

"Timpendean, 16 December 1868.

"My Lord,

"A sense of duty to myself, and justification of my conduct at the late election, induced me to write to you on the present occasion. Mr. Otto, yesterday, communicated to me your Lordship's resolution, declining to re-let me this farm, because I had voted against your brother, Lord Schomberg Kerr, at which I expressed my surprise and regret, as no such case has ever happened on the estate before. A statement of facts will best illustrate my case. When canvassed I expressed my regret that I could not vote for Lord Schomberg Kerr; and when I say I regret, I say so in earnest, as in other circumstances nothing would have given me greater pleasure. I told Mr. Otto that I had spoken, written, and been examined on the principal subjects before the country, and had given my opinion in such a way that I could not degrade myself by having spoken one way and voting another, but that out of respect for my landlord and his brother I would take no part in the election against beyond giving my vote. This I did, and even advised some parties who were hesitating between the two candidates to vote for Lord Schomberg Kerr; and so closely did I keep my mind to myself, for fear of influencing a single voter against him, that the other party did not know till I went to the poll how I was going to vote. On this I can refer you to Mr. Otto, who complimented me that I had behaved remarkably well in that respect, and very different from others he could name. Three of my brothers were on the committee, and voted for Lord Schomberg Kerr, and one against; and the landlord (Sir G. Warrender) of the one who voted against him came and stayed with him the night before the polling, and both went together to the poll in good friendship, and voted against each other. I cannot see, my Lord, why I am singled out as the scapegoat of the election as if I had canvassed and done my utmost for the other side; nay, I cannot believe your Lordship will remove me as a tenant for giving my conscientious vote after having spent so large a portion of my life on the estate in comfort, and happiness, and peace to my family and myself; and I trust not increditably to my landlord. Even as a matter of expediency, I cannot think it would be advisable, as many Conservatives have told me I could neither honourably nor conscientiously do otherwise at the election; and if they know my position (which I trust they will never need to know) will sympathise with me in the matter; and my brothers, what are they to do at next election? I do not mention these circumstances in any hostile spirit, but a straw in the air indicates which way the wind blows. The questions at present before the country will no doubt get settled ere long, and others may arise on which our views may coincide. I trust, therefore, your Lordship, in the circumstances, will give the whole matter your early and favourable consideration, and I have the honour to be, &c. &c."

7931. To that letter you received no answer I believe?—No answer whatever.

7932. Either verbally, or through the post?—In no shape whatever.

7933. Did Mr. Otto ever refer to that letter in conversation with you afterwards?—No; we have never had any conversation on politics since.

7934. Mr. *Hunt.*] You say that Mr. Otto told you that Lord Lothian was not going to renew your lease because you voted against his brother?—Yes.

7935. Do you remember on what occasion he said that?—Perfectly.

7936. Will you tell us when it was?—He came to me at Jedburgh Market after I had written to him about hearing the story with regard to breaking my pledge.

7937. On what day is the market held?—It is held on the Tuesday; I think it would be the 15th of December; the letter is dated the 16th.

7938. You wrote to Mr. Otto, did you not, in the summer of 1868, about the renewal of the lease of your farm?—I wrote after the harvest, but I had previously a conversation with Mr. Otto.

7939. You had some conversation about the time of the election, was it not, with Mr. Otto?—Yes; at different times.

7940. Was this the conversation that you speak of with Mr. Otto, when he intimated to you that your lease would not be renewed; was that the time when he came to you and said that it was his duty to tell you that your lease would not be renewed?—Yes; he came to me and told me, first, that he had got my note, and that he never imagined I had broken my pledge, and then he added I may just as well tell you that nothing more can be done about the farm.

7941. When was that, do you remember?—It was on a Tuesday, and I think it was the 15th of December.

7942. Can you tell us the words which Mr. Otto used?—Yes.

7943. What did he say?—He said, "I may just as well tell you that nothing more can be done about the farm"; I said, "Why, what is up?" He said, "I have the report cut and dry, ready for the Marquis's approval, but he positively declines to renew the lease, because you voted against his brother."

7944. Do you say that those words were used by Mr. Otto?—I do.

7945. Just try and recollect; is not it the case that you observed to Mr. Otto that it was on account of the way that you had voted; will you undertake to say that you did not suggest to Mr. Otto that it was on account of the way in which you voted?—I will; I am quite positive upon it.

7946. And that he said so himself?—Yes, quite positive.

7947. Mr. Otto had been over your farm, had he not, to make a report upon it?—Yes, he had been over my farm previously.

7948. Had you gone into the question of rent then?—Not into the rent; we went into the question

question of conditions, but not of the rent then.

7949. You mean the conditions for the renewal with you?—Yes.

7950. Were there any changes of conditions proposed?—Yes, a number of conditions were proposed.

7951. By you?—Both by Mr. Otto and myself.

7952. And nothing was said about rent?—Not then, in going over the farm; he could not say it then till he had got time to make up his mind as to the rent in valuing it.

7953. You voted for the Liberal candidate, did you not, at the election?—I did.

7954. Did you try to persuade any other voter to vote for the Conservative candidate?—There were two or three came to me and asked my advice, and I gave it them.

7955. What did you advise them?—After hearing their statements, and knowing the position in which they were placed, I advised them to vote for the Conservative candidate.

7956. Did you write to Mr. Otto to say that you had neutralised your own vote by getting someone to vote for the Conservative candidate?—No, I did not; I wrote to Mr. Otto that one had stayed at home.

7957. Sir *George Grey.*] At your suggestion?—Yes.

7958. Mr. *Hunt.*] You wrote to Mr. Otto that you suggested to a voter to stay at home, and not to vote for the Liberal candidate?—Yes.

7959. You voted for the Liberal candidate upon principle, I suppose?—Yes; I had better explain why I did it. In going over the farm when Mr. Otto was pressing me to give Lord Schomberg Kerr my vote, I said that I was on terms for the purchase of a small property from a party who was going to vote for the Liberals, and that would neutralise my vote. This negotiation broke off, and I thought perhaps Mr. Otto might think that I was in part committed in that way to neutralise my vote, and that was the reason.

7960. You voted for the Liberal candidate on principle?—I did.

7961. Did you ask a man who was going to vote for the Liberal candidate to stay at home on principle?—It was perfectly on principle, for the simple reason that I had committed myself to Mr. Otto by thinking that I would finish this arrangement for the purchase of the property.

7962. Had you committed yourself to Mr. Otto?—I had committed myself to Mr. Otto by saying that I was on terms for the purchase of this property from a voter on the Liberal side; but that arrangement broke off. If I had purchased the property the voter would not have voted on the Liberal side.

7963. Sir *George Grey.*] You felt yourself bound in honour, therefore, to advise that voter not to give his vote?—Yes.

7964. Mr. *Hunt.*] You have been asked about the meeting at Hawick; were you at that meeting?—I do not know the meeting that Mr. Otto alludes to. I do not remember being at any agricultural meeting at Hawick excepting the show when Lord Schomberg and Sir William Scott were both there. I may have been at Hawick, at a private meeting, but I never was at either a farmer's club or any other agricultural meeting for a long time before.

7965. Do you know what meeting is alluded to by Mr. Otto?—The only thing that I can recollect is that at different times, when I have been both in Kelso and Hawick, I was twitted with the remark that it was easily known how I would vote, considering that my farm was nearly out of lease; and I once and again very indignantly replied that I would vote as I thought proper, independent of either the farm or the Marquis of Lothian.

7966. On that occasion was it, or do you know when it was?—On different occasions I have done it, both in Kelso and Hawick and elsewhere.

7967. On the occasion when you were twitted about this, was it a meeting at Hawick?—I have been twitted both at Hawick and Kelso, and elsewhere.

7968. Take time. When you were twitted at Hawick, what meeting was that?—The only occasion that I can recollect was early in November 1868.

7969. Did this conversation take place after dinner?—It may have been after dinner.

7970. Do you undertake to say that upon that occasion you did not speak in very disrespectful terms of your landlord, Lord Lothian, and his family?—I do. I undertake to say I did not, and never did use disrespectful language towards them.

7971. Have you heard that it was said in your neighbourhood that you had done so?—Yes, once; and I denied it, and I do so still.

7972. Still the people in your neighbourhood say that you have done so?—I think there are very few say it, and very few think it.

7973. But some few do?—No doubt; there are always some to believe evil reports.

7974. Mr. *Villiers.*] When was the date of that conversation which you had with Mr. Otto in which you denied having broken any pledge?—I think it was on the 15th of December.

7975. Was that the occasion when he said he had all the deeds ready, or that everything was prepared?—Yes; that was the occasion.

7976. When he said that, did that mean to say that the lease would be granted to you again?—Decidedly.

7977. What was the date of the letter that you wrote to the Marquis of Lothian?—The 16th of December.

7978. Then it was the day after the conversation that you had with Mr. Otto on the subject of the farm?—Yes.

7979. Was it in consequence of what passed between you and Mr. Otto that you addressed Lord Lothian?—Yes.

7980. In fact you had not thought of doing it but from what Mr. Otto said?—None whatever; because I had expected a renewal of my lease until Mr. Otto told me.

7981. And it seems Mr. Otto had expected it also before you gave the vote?—Yes; I have no doubt he did.

7982. Had you had any conversation with Mr. Otto about your renewal before the election?—Yes.

7983. Did he suggest how you should vote?—He pressed me very strongly to vote for Lord Schomberg Kerr.

7984. Did he tell you what might be the consequence if you did not?—No, he did not.

7985. But did he leave you with the impression

Mr. *W. Scott.*

11 June 1869.

sion that you would not get a renewal if you did vote against Lord Schomberg Kerr?—No.

7986. In fact you were on a perfectly friendly footing with the agent, Mr. Otto, before that time?—Yes, perfectly friendly.

7987. Were you on friendly terms when he told you that there was no chance of doing anything about the lease?—Perfectly friendly terms.

7988. Do we understand that it took you by surprise to hear that?—Yes, it did take me very much by surprise.

7989. Had not the neighbours thought that you would lose your lease after you voted against Lord Schomberg Kerr?—I do not think they had. I think they were mostly of opinion that the day had gone past for landlords resorting to such extreme measures.

7990. Just at the time when leases are about to expire, do not tenants generally vote with their landlords?—I think a number of them vote with their landlords whether their leases are expired or not.

7991. Do you mean that the time is passed when that sort of influence is used over tenants in Scotland?—No, I do not think the time is passed now. I have seen very much of it lately.

7992. Did you hear any remarks about it; was it well known that you were not to have a renewal?—I think it was quite well known over the district, and quite believed.

7993. What do you say was notorious in the district; was it that you had been refused a renewal on account of your vote?—Yes.

7994. That would be what you would hear; and that is the general opinion there, is it?—Yes, that is the general opinion; and it is the fact that Mr. Otto told me so.

7995. Have you never had any other reason assigned whatever?—Never, until I saw Mr. Otto's evidence.

7996. And you, by your own account, had been on perfectly good terms with the proprietor before that?—Perfectly good terms with both the proprietor and the factor; so much so that Mr. Otto, shortly after Whit Sunday last year, asked me to act as his arbiter, in a case between the Marquis of Lothian and an out-going tenant.

7997. Do you know any instance in which any tenant was ever turned out on account of his vote from Lord Lothian's property?—Not until this occasion.

7998. Sir *George Grey.*] I think you stated in your letter, that if you were turned out it would be a singular and unprecedented case?—Yes.

7999. *Chairman.*] Was there anything that you did on your farm, in consequence of what was said to you by Mr. Otto when he made his inspection; was there any circumstance about the inroads which were being made by the river?—Yes; in going over the farm I pointed out that the water was making inroads on some of the low-lying land next the river, and he suggested that it would be as well that I should get a lot of stones forward and get it hutched, as we call it, and I did so, and I led down 400 or 500 cartloads of stones; half of them were put into the water, and the other could not be very well taken to a different part till the frosty weather came on; and before the frost came the negotiations were broken off, and they are still lying there.

8000. Should you have led those 400 or 500 loads of stones if you had thought that you were not to have your lease renewed?—Not at all, because I was not bound to lead the stones.

8001. Do you think that Mr. Otto would have recommended you to do so if he had thought that you were to lose your farm?—I do not think so; I think it would have been a very ungracious act to have done so.

8002. Mr. *Brand.*] Did Mr. Otto actually suggest to you that you should cart those stones?—He did.

8003. Did you report to him that you had done so?—Yes; he knew perfectly well that I had done so, for he sent men to put them into the river.

8004. Mr. *Whitbread.*] When Mr. Otto had the conversation with you, in which he told you, as you say, that it was on account of your vote that you were to lose your farm, did he add anything to the effect that he regretted it himself?—He did; he told me that I was to lose the farm, as they were determined to have tenants that would support them; that he did not approve of it himself, and that he was very sorry to part with me as a tenant, but he had just to do as he was bidden, and if I had remained neutral I would have got my farm again.

8005. He told you that if you had remained neutral you would have got your farm?—Yes.

8006. Are you quite sure that those were not words that you suggested to him, but that he used those words to you?—Quite sure.

8007. You know Mr. Dunn, do you not, a corndealer at Kelso?—I do.

8008. Did you have any conversation with him upon this subject?—I had a conversation with him upon the subject within a minute or two after leaving Mr. Otto, and with one or two other of my friends who had been watching Mr. Otto and me, thinking that we were closing a bargain for the farm; and Mr. Dunn said, "Well, have you got the bargain finished?" and I said, "Well, it is finished for ever now, as far as I am concerned;" and I told him exactly what I had stated at that minute, and to three or four other parties.

8009. Will you give us the names of any other parties who saw you in conversation with Mr. Otto, and to whom you told the reasons why you should lose you farm?—Yes; there was Mr. Dunn, Mr. James Scott, of Lantonparks, Mr. Hilson, a solicitor of Jedburgh, and I told Mr. Scott, of Mervinston, as well; he is a Conservative voter, who voted for Lord Schomberg Kerr.

8010. Those gentlemen were present and saw you in conversation with Mr. Otto, and you told them the reason why you were to lose your farm?—Yes.

8011. Because you had given your vote to the Liberal candidate?—Yes.

8012. Have you seen any one of those gentlemen lately?—Yes, I saw Mr. Hilson on Wednesday, and he remembered the statement exactly.

8013. He remembers that you had stated to him that you were to lose the farm because of your vote?—Yes; and I may add that he suggested to me at the time that I ought to write to Lord Lothian.

8014. Was it upon his suggestion that you did write to Lord Lothian?—Both on his suggestion and on my own thoughts of the matter.

Mr. *W. Scott.*
11 June 1869.

8015. Mr. *Hunt.*] There were, I suppose, several conditions in your existing lease about the cultivation of the farm and other things?—Yes.

8016. And about keeping the banks in repair?—Yes.

8017. And your lease is not up yet, is it?—No, it has not expired till Whit Sunday next.

8018. You are under terms in your existing lease to keep the banks in repair?—The landlord is first bound, if new hutching is required, to put it there, and then we are mutually bound to protect it afterwards.

8019. What is the nature of your covenant about keeping the banks in repair?—That is the nature of it.

8020. The landlord does it, and then you keep it in repair afterwards?—It is kept in repair afterwards mutually between the landlord and the tenant.

8021. The tenant does all the leading, does he not?—No, the whole of it is mutual.

8022. But supposing that you left the banks out of repair would not you have to compensate the landlord for it?—If it had been put in order before, but not when it was required for a new place. The water sometimes breaks out at a new place altogether where nothing has been done to it, and, of course, the landlord has first to put it in repair.

8023. Where this breach was made that you carted those stones to, was it in good repair when you took the farm?—There never were any stones put in it before.

8024. But was it in a sound state when you took the farm?—I have no doubt that it was when I took the farm.

8025. Would not it be your duty to keep it in repair?—No, it would not.

8026. Do you mean that if the bank was washed away you were to do nothing?—Nothing. I had nothing to do with it till Mr. Otto first put it into repair, and then the landlord and the tenant kept it mutually afterwards.

8027. If it was in good repair when you took the farm and the water began to wash it away, do you say that it would not be your duty to do anything to it?—Nothing. What I mean is this; that no hatching with stones was ever done there before; it had not required it.

8028. But when it did require it, do you mean to say that you might have left it alone?—Yes, I do; my lease expressly states that when new hutching is required it shall be done by the landlord, and afterwards kept in repair mutually between landlord and tenant.

8029. Supposing that the landlord were to do the repair himself, would not it be the duty of the tenant to lead the materials there?—No, it would not.

8030. Would it be the custom for him to do it?—I have occasionally done it, but I was not bound to do it.

8031. Would not it be the custom for the tenant to do it?—No; I do not think it is the custom to do it where it is new hutching, and the lease expressly states differently.

8032. Would not it be the custom for the tenant to lead the stones that were necessary?—No, neither the custom nor according to the lease.

8033. Mr. *Stavely Hill.*] What was the date at which you first heard of disrespectful words having been used by you with respect to the Marquis?—I could not well tell the date that I first heard about it.

8034. It was after the election, was it not?—Yes; it was after the election.

8035. How soon after the election?—I cannot say; it was not very long after the election.

8036. Was it weeks, or a week, or days, or what?—It would be weeks, I think; but I could not be very positive.

8037. Was it a month?—It might be three weeks or a month, but I could not be very positive.

8038. Would it be about three weeks to the best of your belief?—Perhaps it might.

8039. Then you had heard that it had been said, that you had used disrespectful language?—Yes.

8040. And that was about three weeks after the election?—Perhaps it might be.

8041. What was the date of the election?—I think it was the 23rd of November.

8042. What was the date of the letter of yours? It was written on the 16th of December.

Mr. William Ellison Otto, called in; and further Examined.

Mr. *W. E. Otto.*

8043. Mr. *Hunt.*] Did you state to Mr. Scott "I have the report cut and dry ready for the Marquis's approval, but he positively declines to renew the lease because you voted against his brother"?—Not those words, "Because you did not vote for Lord Schomberg Kerr." I said that I had my report ready to be submitted to Lord Lothian, but his Lordship never took it up, and he declined to renew his lease, and he asked me to intimate so to Mr. Scott, as he thought he should be taken at no disadvantage.

8044. But what we want now to know is what you said to Mr. Scott?—I said that there was no wish that he should be taken at a disadvantage, and so I gave him early intimation, but I certainly did not say that it was because he did not vote for Lord Schomberg Kerr. That was an inference or assumption of Mr. Scott's own. He certainly took it for granted, and I never contradicted him; I held my tongue.

8045. Did Mr. Scott himself say that he believed that it was because he had voted against Lord Schomberg Kerr?—Yes, he said somewhat to that effect; he seemed very much surprised and taken aback. I do not remember accurately the words he said, but it was to that effect that he had been deprived of his farm because he had not voted for Lord Schomberg Kerr.

8046. You did not say anything one way or the other?—I held my tongue. I said it made no difference to me. I had my instructions to follow, and must carry out my instructions.

8047. Sir *George Grey.*] Why did not you contradict him if you believed that he was under a false impression?—I had no business to contradict any assertion that a person might make. Lord Lothian instructed me to decline, without assigning any reasons whatever, and it would be exceeding my instructions to give any reasons.

8048. Mr. *Hunt.*] Mr. Scott also stated that his brother had had a conversation with you in which you said that the Marquis of Lothian had done

Mr. *W. E. Otto.*

11 June 1869.

done it on the spur of the moment after the election, but you had no doubt that the Marquis regretted it now; did you say that to Mr. Scott's brother?—I had several conversations with Mr. Scott's brother; his brother was very anxious to get the farm when he heard that his brother had been refused a renewal, and he made application for it, and began by taking it for granted that it was on account of his brother's vote, and saying that he was a good Conservative, and would always vote for the Conservatives, and had taken an active part, and I said, "If you wish to make any application I will mention it to Lord Lothian, but the farm is not out of lease yet, and I cannot say what steps may be taken in any shape; you can make an application to his Lordship if you think proper."

8049. Did you say anything to Mr. George Scott on that occasion about your having no doubt that the Marquis regretting it now?—Not that I am aware of. I remember using no expression of that kind, and I could not say so because I had never seen Lord Lothian since, and had had no conversation with him or writing at all about it, so that I was not aware whether he might regret it or not.

8050. But are you prepared to say that you did not say so to Mr. George Scott?—Yes, I am quite positive that I could not have said so.

8051. Did you say to Mr. William Scott that if he had remained neutral he would have got his farm again?—No, I certainly did not. He went on muttering a good many things about his voting that he could not even remain neutral, and I listened to him, but I said almost nothing. Our conversation did not last beyond one or two minutes; another person came up, and I went away.

8052. What took place was what he said and you replied to?—I replied nothing, or perhaps I interjected a single word, or something of that kind, but I certainly never made any such statement to him.

8053. Mr. Scott says that when you went over the farm he suggested alterations in the conditions, and you suggested others; was that so?—Certainly; it is the usual thing, when going over a farm with a tenant, to ask him as to so-and-so, but it was merely his opinion. I had no authority, and could have none, for saying that I would give 1,000*l.* for drainage, or 2,000*l.* for buildings, or anything of that kind, but was merely making inquiries to enable me to fill up my report and lay the whole state of the case before Lord Lothian.

8054. With regard to leading the stones to the bank that was washed away, what have you to say about that?—I may read the clause in the lease with regard to that, "Further, the tenant is hereby bound to keep, during the lease, the river sides, in constant good order and sufficient repair, and to leave them so at the end of the lease, the landlord relieving the tenant of one-half the expense of so doing. Should any new hutching be required near the Mains Boathole, or elsewhere on the farm, the landlord to be at the expense of making, to be upheld as above." It is the usual thing during a lease for those repairs to be made. It depends entirely upon the state of the river, if it comes down in a severe flood and carries a portion of it away; it may be near the end of the lease, or it may be near the beginning.

8055. Do you consider, with regard to this breach in the bank, which was repaired by leading those stones, that under that lease the tenant would have had to have done all or any part of it?—He would have been required to have done some part of it; I cannot remember now what state it was in, but he would have been obliged to do some part of it, or leave it in repair.

8056. Do you consider that the suggestion that he should put stones there ought to have led him to suppose that he should have a renewal of his lease?—I cannot see why it should; no person would begin an improvement of that kind until he had got a new lease. If he wished to draw the stones, it may have been at his own leisure, to suit his own convenience.

8057. Mr. *Villiers.*] Are the Committee to understand that you and Lord Lothian never had any conversation at all about the renewal of Mr. Scott's lease?—Not except the one time when I saw him before he left for London, in the end of November or the beginning of December. The day before leaving I had a number of instructions to get from him, and one of them was with reference to the Timpendean Farm, when I was simply instructed that Mr. Scott was not to get a renewal of his lease.

8058. Had you reported upon the state of that farm?—My report was in draft.

8059. Do you mean that Lord Lothian never said a word about that report?—He said "I cannot take it up just now, I am leaving to-morrow; there is plenty of time to take it up afterwards."

8060. Did nothing pass between you and Lord Lothian as to the state of the farm?—Nothing whatever. We had very little conversation upon it. Those were my instructions, and I never presume to ask any reasons for those instructions.

8061. You do not deny what Mr. Scott said, that you had prepared everything for the renewal?—I stated in my evidence that I had prepared everything for the report to be submitted to Lord Lothian.

8062. Was that report favourable for a renewal, as far as the condition of the farm would justify it?—I have nothing to do with being favourable, or not, to a renewal; I have merely to send in my report, and get my instructions from my constituent.

8063. But your report was favourable to a renewal, or there was nothing against the renewal?—I merely report as to the state of cultivation, the buildings required, the drainage, and various improvements; there is nothing stated as to whether the tenant ought to get a renewal or not; that is left entirely to the proprietor.

8064. There was nothing in your report at all opposed to his having a renewal?—It was merely lying in draft as I say.

8065. There was nothing in your report, whether in draft or otherwise, opposed to his having a renewal?—Nothing either for or against, in any shape. There never is in a report of that kind.

8066. It was a report upon the condition of the farm; was it not?—Yes, but not as to whether the tenant ought to get a renewal of his lease or not.

8067. If the condition had been very bad it would have been against his having a renewal?—That depends upon the state of badness.

8068. However,

8068. However, there was nothing in your report at all to prevent the renewal of that lease?—Nothing.

8069. Do we understand you to say that Lord Lothian did not look at that report, or to use your own expression, did not take it up?—He never saw it; it never was sent in; it was merely lying in a draft form, and it never reached him. I would have made a proper copy of it, giving all details, and sent it in, but it was not asked for; his Lordship would not take it up.

8070. Just let us know whether we understand you correctly, that you neither submitted it to him, nor did he say a word to you about the renewal of Mr. Scott's lease?—He told me to intimate to Mr. Scott distinctly, that his farm was not to be renewed.

8071. And without seeing your report?—Without seeing the report.

8072. Do you dispute your having said to Mr. Scott, that everything was prepared for his having a renewal; but that in consequence of something else that had passed he was not to have it?—I said that the report was all ready, which was quite the fact.

8073. But did you not lead Mr. Scott to believe that you were favourable to the renewal?—I led him to believe nothing of the kind. An agent is not at liberty to let a farm, or make conditions, or anything of that kind, without the landlord's instructions.

8074. Did you not intimate to Mr. Scott that everything was ready for the renewal of his lease?—I said that my report was quite ready, but not that everything was ready for the renewal of his lease; that would be impossible, because the rent and conditions were not fixed.

8075. You have been in the room, I think, whilst Mr. Scott gave his evidence?—I have.

8076. Do you dispute what he stated as to what passed between him and you; that you stated that everything was ready for the renewal of the lease, but that he was not to have it?—I stated that my report was all ready, but not that everything was ready for the renewal of the lease.

8077. Then you deny positively what he said?—Yes, distinctly.

8078. Mr. *Whitbread.*] You stated that Lord Lothian instructed you to decline, without assigning any reasons; did he assign no reason to you why he declined, or did he desire you not to assign a reason why he declined?—I asked for instructions with regard to the farm, and he said, "I have now made up my mind not to grant a renewal to Mr. Scott; you had better intimate it to him without assigning any reason whatever."

8079. Did he add that, "without assigning any reason whatever"?—Yes, he added that.

8080. When Mr. Scott told you that he believed as you say, that it was because of his vote he was going to lose his farm, you must have been quite aware that that involved a very serious charge against his landlord?—I had no business to contradict it; a man may infer anything.

8081. I only ask you the question whether you were not fully aware that that did involve a very serious charge?—Perfectly aware of what people would say.

8082. And you did not think it your duty to disabuse his mind of that impression?—No, I had no business to interfere and make any suggestion; it would have been exceeding my instructions.

8083. Were you quite clear in your own mind that the vote had anything to do with the refusal?—As I said before, I simply had no instructions at all, whatever I may have thought myself; I certainly had no instructions, or thought very little about it; and on meeting him the next day I simply intimated it to Mr. Scott. As I said before, I was perfectly aware that there were sufficient reasons without political reasons, but it never entered into my mind to go into that. At election times people are very apt to ascribe those things to political reasons.

Mr. *W. E. Otto.*

11 June 1869.

8084. Sir *George Grey.*] You stated the other day that there were four farms, all of which, after your report was sent in to Lord Lothian, he instructed you to let to the sitting tenants; that two of those tenants voted for the Liberal candidate, and one of them was a principal supporter and canvasser on the Liberal side, notwithstanding which he received a renewal of his lease; when was the agreement made with those two tenants that they should have their farms continued?—One in December 1867 and the other in April 1868.

8085. Long before the election in both cases?—Yes, both of them before the election.

8086. *Chairman.*] Does not Lord Lothian generally consult with you about the renewal of a lease?—I give in my report, and he takes it up in his own way, and makes arrangements and alterations as he thinks proper.

8087. Does he not ask your opinion whether the lease should be renewed or not?—Sometimes, and sometimes not.

8088. I think you stated that Lord Lothian is in a very bad state of health?—A very precarious state of health.

8089. Then he has no means of forming an opinion as to the renewal or refusal of a lease, except your report and your advice?—He has friends, who may give him advice.

8090. You cannot tell the Committee whether it is upon your advice that he generally acts upon in renewing and giving leases?—No, I really cannot say that; I simply do my duty in sending in a report; but as to asking reasons, or asking any special instructions, or advising, and so on, I have nothing whatever to do with that.

8091. Mr. *Brand.*] When you walked over the farm with Mr. Scott, did you suggest any alterations or improvements to be executed by the tenant?—Both the tenant and myself spoke of improvements; he spoke of what he would like in this shape or the other, either buildings, or drainage, or fencing, or whatever he may have thought necessary; but he simply stated it as what he considered necessary. I had no authority to grant those allowances, or to grant any sum.

8092. Did you suggest to him any improvements which he should execute?—Nothing special, except that ordinarily in going over a farm one may see a fence to go out, or such and such a building is necessary, but it was simply spoken of as being an improvement; it did not at all necessarily follow that the money would be allowed or the alteration effected.

8093. Did you point out this hutching of which we have heard?—I think he asked my advice about hutching, or something of that kind, and I may have said that it would be greatly improved by hutching; but as to asking him to carry

Mr. *W. E. Otto.*

11 June 1869.

it out, or anything of that kind, I had nothing to do with that.

8094. I think you formed your own opinion as to the reason why the lease was not granted?—I mentioned in my examination the other day that it was merely an inference on my part.

8095. Was it in consequence of the notion that disrespectful language had been used by Mr. Scott towards the Lothian family?—Yes, I inferred that.

8096. When Mr. Scott stated to you that he understood that he was not to have the lease because of his vote, why did not you tell him?—It is a most disagreeable thing to state personal or private reasons for refusing a lease, and I do not think that a landlord is obliged to do so.

8097. He put a plain question to you, and you were in a position to give him a plain answer, why did not you give it him?—Because that would have been exceeding my instructions; I was instructed simply to intimate the refusal of the lease without assigning any reason; and had I assigned personal or private reasons, it would have been quite out of my duty. I may state that I had a similar case some five or six years ago, a tenant was refused his lease, and he was most indignant about it, and wrote both to myself and to Lord Lothian, wishing to know the reason of it; but he never got any reason assigned yet.

Mr. JOHN NORWOOD, called in; and Examined.

Mr. *J. Norwood.*

8098. Mr. *Gathorne Hardy.*] YOU are a Doctor of Civil Law, and a Magistrate in Ireland, I believe?—Yes.

8099. Have you gone circuit?—Yes; the north-east circuit.

8100. Have you had much experience in Parliamentary and municipal elections in Ireland?—I have.

8101. In what capacity?—I have acted as assessor to the Mayor of Belfast, at Parliamentary elections, and also for several years as borough assessor, in the municipal elections, and as assessor to the sheriff of the county of Monaghan.

8102. Have you been revising barrister?—I was a revising barrister under the new Reform Act, last year, for the county of Antrim.

8103. Have you also been vice chairman of the North Dublin Union?—I have, for several years.

8104. And are you acquainted with the mode of elections there?—Yes.

8105. Do the Roman Catholic priesthood exercise an influence at all those elections, the poor-law, the municipal and the Parliamentary elections, in Ireland?—Yes, more or less.

8106. Can you give any instances of the extreme use of influence on their part; we will say first in Parliamentary elections; have you known of any in the county of Monaghan, where you say you were assessor?—I have seen them extremely active at a contested election. There was an election in which they took a very active part. I saw, while I was acting in my official capacity, a number of Roman Catholic clergymen engaged in the election; I saw them in the booths; I saw them apparently bringing up voters, and appearing extremely active.

8107. When they are in the booths are they acting as agents, or are they admitted as private individuals?—They appeared to be acting as agents for the Liberal candidate.

8108. Do you know whether they are paid or not for that?—I am not aware.

8109. Did they take any part in the booths at all?—Yes.

8110. Was the election to which you are referring the election of 1865, in the county of Monaghan?—It was the election at which Mr. Vesey Dawson, now my Lord Cremorne, was returned, in 1865.

8111. Were the Roman Catholic clergy, who were taking part in the election, those living in the county, or did they come from a distance, many of them?—I should explain that there was intended to have been a contested election in the county of Louth, which is in a neighbouring county; and, as I am informed, in consequence of the apprehension of violence at that election, the Conservative candidates withdrew on the eve of the election (when I say on the eve, perhaps it was a day or so before), and thereby enabled several Roman Catholic clergymen from that county, and a large mob of persons from that county, to come to take part in the county of Monaghan election.

8112. Did the Roman Catholic clergy bring a mob with them?—I cannot say that; but I can say this, that the Roman Catholic clergymen seem to exercise considerable influence over the persons composing that mob.

8113. Did you see them yourself with the mob?—Yes; I had been in the county of Down, and I was telegraphed for to act as advising counsel to the sheriff, who was a very young man and somewhat inexperienced, and I arrived early in the morning of the polling-day. Just previously there had been a collision in the town of Monaghan, in which several persons had been wounded; and when I arrived in the town I found a large force of military, both infantry and cavalry, and they had drawn a cordon of troops, under the command of resident magistrates, across the town, so as to separate the two mobs. On one side there was this mob, which they called the Cremorne mob, and which, I understood, came from a distance; the majority of persons composing this mob were not belonging to the county of Monaghan. On the other side there were a number of Protestants, who had come in from the neighbourhood of Clones, and I was informed that they came in a body for mutual protection. As soon as I saw this state of affairs, although my business was merely to advise upon legal points, I thought it my duty to assist the sheriff as far as possible in preserving Her Majesty's peace, and I said, "We must get this mob out of the town, or there will be still more bloodshed." I was informed that there was a Roman Catholic cleryman of great influence there, and I was introduced to that gentleman, and I said that, as a clergyman, he was bound to assist in preserving the peace and preventing collision between those two parties. I said I was informed that he had considerable influence, and he intimated that he had. After some further conversation, I spoke to Mr. Vesey Dawson, and explained to him the danger if those parties remained in the town, and Mr. Vesey Dawson asked

asked me to go to his committee-room, and I went across, as well as we could, with him through this mob. I never saw such a mob in my life; they were armed with blunderbusses, duck guns, rifles, scythes on poles, sticks, and other weapons, and they roared and shouted; and Mr. Dawson and myself had very great difficulty in getting to his committee-room. When we reached his committee-room, I saw some Roman Catholic clergymen there; I was not acquainted with them, but I assumed that they were so from their costume. I implored Mr. Dawson to endeavour to get this mob removed, and he addressed them from the windows. The clergymen, I must say, seemed to exert themselves, and to see the danger of a collision, and, finally, after considerable difficulty, the mob were got into a very large yard, and closed up. One of the Roman Catholic clergymen gave me a pledge that the mob should be out of the town, and they kept that pledge, and the mob were got out of the town. I then went to a party who had influence with the other side, and I said that it was his duty to keep Her Majesty's peace, and that he should get his side out of the town also. That was done, and happily the peace of the town was preserved.

8114. Was that first mob which you spoke of, composed of strangers to the county?—So I was informed.

8115. At the Dublin city and county elections, do the Roman Catholic priesthood take a very active part?—I have seen them attending the elections, and apparently taking a very active part.

8116. In the municipal elections in Dublin have you seen any marked interference, as to the election of the mayor for instance?—There was a very remarkable instance. The Roman Catholic Archbishop of Dublin was anxious that a gentleman should be returned as mayor who coincided with the views of the present Government upon the Irish Church Bill, and a letter appeared in which he suggested that. There was a gentleman, a merchant of Dublin, who was eligible in every way, by social position and by fortune, to fill the office of Lord Mayor; he had been nominated by the town council in July, and after he had been so nominated, an article appeared in a London journal stating that his nomination was a triumph of the supporters of the Irish Church. After that, this letter appeared which purported to be by the Roman Catholic Archbishop of Dublin, Cardinal Cullen, suggesting that a gentlemen favourable to the disestablishment and disendowment of the Irish Church, should be elected at that particular crisis, and the consequence was that when the name of Mr. Mackey, who was the gentleman to whom I have alluded, came up for confirmation at a subsequent meeting of the council, he was rejected and many of those who had formerly voted for him voted against him, and one of those gentlemen informed me that he did so in consequence of the pressure that had been brought to bear upon him by his clergy.

8117. Have you known of meetings held in their chapels in municipal or poor law elections?—I have read in Roman Catholic journals of meetings held in the vestries attached to those sacred edifices, but I have never, of course, been present at them myself.

8118. But it has been notorious and it has been stated in the papers?—Quite so.

8119. Are the poor law elections in Ireland carried on by means of voting papers?—They are.

8120. How does that system work?—Excellently well, I have been myself elected for several y ears both on the north and south side of the city, and I have acted as counsel at some poor law elections, and during that period, I should say of eight or nine years, I have known but very few instances, indeed, in which those papers have been tampered with or destroyed.

8121. Have you known instances of strongly contested elections?—Very strongly contested.

8122. But voting papers have worked well, you think, in those cases?—Yes.

8123. From your experience in those different kinds of elections, have you any suggestion to make to the Committee as to any improvements?—I would venture to make three or four. In the first place I think that the abolition of the nomination day would be a decided improvement, I do not see what useful end it accomplishes, and I think that the nomination of candidates might be made by a letter or notification to the sheriff a certain number of days before the election.

8124. Would you suggest any security for costs in case of a contest?—In order to prevent persons nominating others without authority, I would suggest that the nomination paper should be accompanied by the security of persons of solvency for costs incurred by the sheriff in fitting out booths, and so on, for a contested election.

8125. Have you found any evils existing in Ireland from the want of a sufficient number of polling places?—Great evils; and I think that is one of the causes which leads to the formation of mobs. It causes great expense to the voters. For instance, the county of Monaghan is some 27 miles by 32, and there were but three polling places in that county, and it is a very serious thing; it amounts almost, in many cases, to a prohibition to require a poor farmer or other person to go 12, or 15, or 16, or perhaps 20 miles to record his vote. In addition to the expense of his carriage he loses his day; and, as I said, it gives an opportunity for the concentration of mobs, and it also necessitates the travelling of a large number of persons together for mutual protection, and it necessitates the granting of escorts by the Government.

8126. Do you think that escorts are absolutely needed so long as the polling places are at such distances from the residences of the voters?—Yes, certainly.

8127. Is that your opinion, from your experience of the violence which is used at those elections?—Certainly; where persons cannot get an escort, or where they cannot assemble in sufficient number for mutual protection, I believe they remain at home rather than go such a distance to record their votes.

8128. Have you seen any instances in Ireland, as, for instance, in Belfast, where, by the multiplication of polling places, much of the evil which existed at other elections has been avoided?—Yes, a large number of persons record their votes in Belfast, and they do so with great facility; but then the mayor of Belfast, who is the returning officer, takes every precaution to have a sufficient number of booths and in the most convenient places.

8129. Does that tend to divide the mob and prevent violence?—Yes, of course it does.

Mr. *J. Norwood.*

11 June 1869.

8130. Have you any other suggestion to make as to the mode in which persons should vote?—Yes, I think it would be of very great importance that persons who could not conveniently attend should be enabled to vote by a modification of the system under the University Voting Act. I think it is the 24th & 25th of the Queen, and amended by the 30th & 31st, where voters for a university, if it be not convenient to attend the polling-place, can sign a voting paper before a magistrate, and then forward it to a voter, and he brings it to the poll, signs it first, and then reads it out aloud. I think that would be a very great convenience in many instances. Will you allow me just to make a further suggestion which I think would be useful, and that is to extend the provisions of those Statutes which prevent the interference of certain persons at elections, to clergymen of all persuasions. I think it would be most useful if clergymen of all persuasions were confined to their legitimate and sacred duties, and prevented from interfering in political elections.

8131. What Statute do you refer to?—When I say statute, I believe it is the resolution of the House of Commons with respect to Peers.

8132. Do I understand you to mean that the clergy should not vote at elections or take any part whatever?—Certainly not, but that they should be prevented from interfering as agents.

8133. Have you found that the other clergy in Ireland, besides the Roman Catholic clergy, interfere as agents in elections?—I have not; not at all to such an extent. I have seen Presbyterian clergymen in the north of Ireland attending at elections, and I have seen Established Church clergy attending there, but merely as voters; the Presbyterian clergymen do not interfere in the active way that I have mentioned with regard to the Roman Catholic clergy.

8134. With respect to the ballot, have you paid any attention to that subject?—I have considered the subject since this Committee was constituted, and I do not see that the introduction of the ballot would accomplish the end proposed, which I understand to be the prevention of undue influence upon the voters.

8135. What undue influence would in your opinion exist even if the ballot were adopted?—Of course it is only a matter of opinion, but I think that it would leave the influence which is paramount over the voters in Ireland untouched; namely, the influence of the Roman Catholic clergymen.

8136. Mr. *Villiers.*] Will you state how it would not interfere with the influence exercised by the Roman Catholic clergy?—Because I do not think that the lower order of voters would have any security in the ballot; that their clergy would know how they voted, notwithstanding their voting in secret by the ballot.

8137. Why would that be; their votes would not be published, would they?—No.

8138. How are the clergy to know it?—If their clergyman asked them, of course, they would tell him; they could not help telling him, I believe.

8139. But that would apply to everybody else, would it not?—No.

8140. If a Presbyterian clergyman asked any of his flock how they voted, would they not tell him?—I think the Presbyterian population of the north of Ireland are so sturdy and independent, that they would not tell.

8141. What is your opinion of the other population?—I think the influence of a Roman Catholic clergyman over his flock is so peculiar and so strong, that his flock would confess to him the way in which they voted if he asked them.

8142. You propose, do you not, that the Roman Catholic clergy should not be allowed to interfere at elections?—As agents; I certainly think that that would be a very important mode of freeing elections in Ireland.

8143. Mr. *Gathorne Hardy.*] Have you had an opportunity of considering any particular system of ballot voting?—As a member of clubs, I have seen the ballot.

8144. But are you acquainted with the particular systems in operation in the Colonies, for instance, for conducting the elections?—Practically, I have not seen them; but I have read about them in books, and in newspapers.

8145. Have you any other grounds against the ballot generally which you would wish to state to the Committee?—Yes, I understand that it has failed to secure secresy or purity of election in America; at least so I have read, and that it fails to secure perfect confidence in the public mind, and I think that it would lead to political hypocrisy.

8146. Do you mean by failing to secure confidence that there is a doubt as to whether the votes are published as they are given?—Yes.

8147. Do you know whether there is any feeling in Ireland, as far as you have come across it, in favour of the ballot?—I have spoken to some Roman Catholic gentlemen about it, and their opinions seemed to be divided about it. I should state that one Roman Catholic gentlemen to whom I spoke in Dublin was strongly in favour of the ballot, and I have spoke to others who are not. On the other hand, I have spoken to a number of Protestant gentlemen there about it, and they all agreed in thinking that it would not be a useful way of conducting elections there.

8148. Sir *Frederick Heygate.*] You gave an account of an Irish contested election; is that an account of what usually happens?—I do not say so.

8149. Is it usual that many people are armed with scythes and guns?—No; that was a very peculiar mob. I have seen mobs elsewhere, but never such a mob as that.

8150. What was the reason of that mob being so particularly bad in Monaghan?—They came, as I understand, from a part of the country which is somewhat lawless, on the border of the counties of Louth and Monaghan.

8151. Was it owing to the mixture in that county of Protestant and Roman Catholic populations?—I have no doubt of it; the political feelings in that county are very strongly marked, and it was of great importance at that time to secure the election for Mr. Dawson, and whoever brought this mob there, resorted to every means in their power to deter and intimidate voters from coming up.

8152. Do you think that Irish contested elections could be carried on without the use of the military?—I think the military ought to be there, or the police, who are, in point of fact, armed as the military are, and drilled and act as the military do; but I think that in aid of the civil power the military ought to be in readiness, but

but of course placed in such a position that they would not be called for unless absolutely necessary. I know that in Dublin city, where there have been many contested elections, the military are placed in convenient positions; but they are not allowed to be seen, and they are never brought out unless there be an absolute necessity for them.

8153. I do not ask you as to the principle of escorting voters to the poll; but I ask you, in your experience, do you think that the peace of a town, where a contested election is being carried on, could be preserved by the constabulary alone without the aid of the military, or without the military being in reserve?—I should rather have the military in reserve. If I were advising the sheriff, and he asked me, I should say, "You had better have the military in reserve in a position of convenience, but do not allow the people to see them."

8154. Supposing the ballot was to be the law, do you think the military could be then dispensed with?—I am not prepared to say so. I should say that if a number of Protestant voters who came from Clones (I use the Monaghan election as an illustration), and from the Protestant districts, were coming in to record their votes, even by the ballot, I think their opinions being known as Protestant people, it would very likely occur that attempts would be made to prevent them reaching the poll, and in that case I should be prepared to advise the sheriff to have a sufficient force to protect the voters if necessary.

8155. Do you think that voters would be interfered with in coming up to the ballot to give their votes?—I should say so.

8156. And that the object of those mobs is generally to prevent voters coming to the poll?—Yes, and to intimidate them also.

8157. Do you think that voting papers would cure that?—I think they would tend to do so; if a number of farmers in a remote district, supposing they were Roman Catholics in a Protestant district, or Protestants in a Roman Catholic district, had a distance to go and were furnished with those papers, I think they would record their votes without intimidation, and thus prevent their being interrupted on their way to the poll.

8158. Did you ever know any instance of voters being taken to the poll by an escort against their will?—I do not know; I could not say whether they were taken against their will, but I know that at every contested county election a number of voters have to be escorted both to the poll and from the poll.

8159. Do you know whether it is the fact that the Presbyterian laity are especially jealous of the interference of their clergy in their secular matters?—I am aware of that; I know a great number of Presbyterians in the counties of Down and Antrim, and in private life I know that they are most jealous of the interference of their clergy.

8160. Is not it a peculiarity that a Presbyterian layman would especially resent the advice and interference of his clergyman in election matters?—I think so.

8161. Would he be likely to inform the clergyman, afterwards, how he voted?—I think if his clergyman asked him he would tell him.

8162. Would his clergymen have the same influence over him, upon that subject, as a Roman Catholic clergyman has over one of his flock?—I do not believe so.

8163. Therefore the ballot would be a protection in the one case, and not in the other?—That is my opinion.

8164. *The O'Conor Don.*] Did I rightly understand you to say that you were engaged in an official capacity at the election in Monaghan?—Yes.

8165. And that there were two mobs in the town?—I understood that there was the Cremorne mob, and the opposing party (perhaps I should call them a party) where a number of voters who had come up from a particular district, a large number of them together, for mutual protection.

8166. Were they all voters, or were there non-electors among them?—I cannot positively say whether they were all voters or no, but I was informed that the reason why they were there was, that they were voters who had come from the districts.

8167. What you believe is, that there was no opposing mob, but that the large body that was on the other side were all voters who came up to vote?—I have only the information that I received in the town, but certainly the mob which I have spoken of, the Cremorne mob, did not look like voters; they appeared to be strangers.

8168. I think you have stated in your evidence that you first went to the Roman Catholic clergymen and requested them to induce the Cremorne mob to disperse?—Yes, to withdraw from the town.

8169. And then I think you went on to state that you went to the other side and also advised them to withdraw their party?—Yes, I asked gentlemen, who were persons of influence, on the other side, to do so.

8170. Then you did believe at the time that there was an opposing party, and that they should also be withdrawn from the town?—My object was to get the two parties out of the town. I had no particular reason for going to the Cremorne mob first or last, if that is what you wish to know.

8171. What I wish to know is this; I understood you state in answer to my first question that there was only one mob, and that the other were electors who came up to exercise the franchise; why should you wish them to be withdrawn from the town?—I had no means of knowing that the other party were entirely composed of electors; there may have been non-voters among them; I cannot say as to that, but I was told so.

8172. When you went to what you call the party opposed to the Cremorne party, and asked them to get their friends out of the town, I suppose you understood that they were non-electors, or, otherwise, a mob?—No, I did not; they were the opposing party to the Cremorne mob, and in order to insure the peace of the town, my object was to get the two parties kept separate and sent away.

8173. You tell me that the Cremorne mob was on the one side, and another large body of people, whom you will not call a mob on the other?—Yes; I had no reason to call it a mob.

8174. Were they armed in any way?—I heard that they had pistols and firearms concealed.

8175. And, perhaps, scythes, and everything

Mr. *J. Norwood.*

11 June 1869.

else of a like kind?—No; I heard that they had pistols and other firearms.

8176. Perhaps they had more firearms than the Cremorne mob?—I do not know that.

8177. Does the Orange institution prevail much in the county of Monaghan?—I believe it does.

8178. I presume it would not be very difficult to get up an Orange mob in the county of Monaghan?—I should say not very difficult.

8179. Do you believe that the large body that was opposed to the Cremorne party was not composed, to a great extent, of Orangemen?—I have no doubt it was composed, to a great extent, of Orangemen.

8180. I understand you that the description of the Monaghan election was, that you had, what you called, the Cremorne mob on the one side, and a large body, who were chiefly composed of Orangemen, on the other side?—So I was informed.

8181. And you were informed that the Cremorne mob came from another county?—Yes.

8182. But you had no knowledge of that yourself?—No.

8183. I suppose the Cremore mob was chiefly composed of Roman Catholics?—I infer so.

8184. The Catholic priests in Ireland have a great deal of influence with the Catholics, have they not?—Yes, certainly.

8185. Upon this occasion the Roman Catholic priests exercised their influence to get this body to leave the town?—Yes, certainly; I must say that they seconded my efforts to preserve the peace most promptly.

8186. You have no complaint to make of them at that election on that score?—None whatever.

8187. You say that you saw them taking an active part in the election and in the polling booths, and you suppose that they were acting there as agents; upon what ground did you suppose that they were acting as agents?—When I see a man, having a memorandum book or a card in his hand, apparently recording the number of votes, and handing in the voting cards occasionally of the voters, and bringing up voters and walking about and talking to the agents and tally clerks, I infer that he is acting as an agent there.

8188. Did you see any landlords in the booths on that day?—I saw a number of country gentlemen about.

8189. Did you see them taking an active part in the booths in collecting voters, or taking up papers, or anything of that sort?—I saw one or two.

8190. Did you see any persons whom you knew to be land agents in the booths?—I cannot recall it to my recollection.

8191. Are you not acquainted with the agents and landlords in that county?—I know a good many of those who attend upon the grand juries at the different assizes.

8192. But you are not acquainted with the different land agents and bailiffs in the county?—I do not know anything of bailiffs, but I know several land agents.

8193. Did you see any land agents whom you knew taking a somewhat similar part to that which you have described as being taken by the priests?—I did not; if I did, it has escaped my recollection.

8194. But it is quite possible that there were many taking a similar part to that which you have described with regard to the priests?—Quite possible.

8195. If you saw a landlord come up with a lot of voters, perhaps his tenants, would you at once say that he was an election agent on that account?—If he brought them up to the poll and saw them record their votes, and stood by while they were recording their votes, and handed in their voting cards, and stayed about the booth, recording votes, and so on, I should say that he was acting as an election agent.

8196. But you are not aware that those clergymen, to whom you have referred, were in any way paid for their services?—I do not know anything about that.

8197. With respect to the election of the mayor of the city of Dublin, what year was it that you referred to?—It was last year.

8198. A certain gentleman was nominated in the preceding summer, as was usual in the Dublin corporation for election in the ensuing winter?—Yes; in December I think the election takes place.

8199. The gentleman who was nominated, I believe, belonged to the Conservative party?—He was a Conservative, as I believe, but he was a gentleman who never interfered in political affairs in the council. I mean he never took part in any political matters in the council, and he was greatly respected as well by Roman Catholics as by Protestants.

8200. He was understood, however, to be opposed to the question at that time, the question of the day, about the disestablishment of the Irish Church?—Yes; he was asked to give a pledge with regard to his political opinions, and he said that "he was known to his fellow-citizens, that he would give no pledge, but that, during his year of office, he would act impartially and without favour or affection."

8201. But he refused to give a pledge that he was in favour of what was called "religious equality"?—Yes, that was the way in which the phrase was put to him.

8202. He was, in the first place, nominated at the summer election?—Yes.

8203. Was not his nomination followed by articles in the Conservative papers, accepting his nomination as a declaration by the Dublin corporation, that they were opposed to the disestablishment of the Irish Church?—It was followed by an article, which became subsequently a very celebrated one, in the "Globe," but it was not followed, as far as I remember, by any articles of a similar tenor in the Irish papers, for they knew the facts of the case, whereas the writer in the "Globe" apparently wrote in utter ignorance of the facts of the case.

8204. When that article appeared accepting that gentleman's nomination as a proof that the Dublin corporation was against the disestablishment of the Irish Church, was it not then that this gentleman, Mr. Mackey, was called upon to state whether he was in favour of religious equality or not?—I believe he was called upon to state it at several meetings.

8205. But he was called upon particularly after this article appeared?—Yes.

8206. And he refused to do so?—He refused to make any pledge.

8207. Was not it really in consequence of his refusing to make that pledge that the gentlemen who voted for him, in the summer, voted against him

him in the winter?—I am not aware of that; several of them said so, but I believe that many of them reversed their votes in consequence of the pressure that was brought to bear upon them.

8208. At all events, that was what they themselves put forward as their reason for voting one way in the summer and another way in the winter?—Quite so. They stated so in public, but one or two of them mentioned to me, apologetically, the pressure that had been brought to bear upon them. There were others, however, upon whom great pressure was brought to bear, who kept to their votes and refused to break their promises, and those gentlemen told me that pressure of the gravest character was brought to bear upon them.

8209. That pressure was brought to bear upon them chiefly, I suppose, by their constituents?—By the clergy individually, and those who came forward, subsequently, in November for re-election were opposed very strongly by the Roman Catholic clergymen.

8210. And also, in some cases, by a very large number of their constituents who disapproved of their conduct in voting for a gentleman who would not pledge himself upon a point which was considered of importance at the time?—I have no doubt that many of their constituents did oppose them on that ground, but I was informed by many of the gentlemen that many of their constituents refused to yield to the pressure.

8211. Did I rightly understand you to state, that so long as the polling places are so far apart as they are at present, military escorts will be absolutely necessary, and that you are in favour of an addition being made to the number of polling places in Ireland?—Yes.

8212. How near do you think a polling place ought to be to any voter?—That very much depends upon the position of the towns; I would bring it as near as I possibly could to the voter.

8213. But how near a distance of the polling place from the residence do you think would dispense with the necessity for those military escorts; how many miles could a man safely go without a military escort?—That depends very much upon the state of the county. In Tipperary, or in Limerick, or Waterford, or perhaps in Monaghan, it depends very much upon the district in which he was whether he could go one, or two, or three miles.

8214. You stated, did you not, that if the polling places were multiplied the necessity for those escorts would be done away with?—Not absolutely done away with, but greatly diminished.

8215. You still think it would be necessary to have those escorts, no matter how much the polling places might be multiplied?—I think there are cases in which it might be necessary to have an escort.

8216. Have you ever known voters escorted by the military or police into the polling-places several days before the election?—I have not; I have heard of such cases, but I have not known them personally.

8217. It was not done in this case that you alluded to in Monaghan?—No; I understood that those persons came in in the morning and were escorted back. I know of one case where they were escorted back from the poll, and a serious riot took place at the railway station at Castle-Blayney.

8218. You are opposed to the ballot, I understand?—Yes, certainly.

8219. You do not think that it would accomplish the prevention of the undue influence of priests?—I do not.

8220. You told us that you believe that the priests would still discover how the Catholic voters had voted; upon what grounds do you make that statement?—I think from the peculiar influence that the clergy exercise over their flocks in that country, I would say the almost unbounded influence, if his clergyman asked a voter how he voted he would, at once, tell him.

8221. I suppose if the priest thought it worth his while to question a voter how he had voted after he had voted, he would think it worth his while, in the first instance, to advise the voter how to vote?—I should say he would.

8222. And do you think that if a man resisted the influence of the priest in the first instance, that, having voted contrary to the priest's view, he would afterwards yield to that influence and tell him how he had voted?—If he had strength of mind to resist in the first instance, I think he would have strength of mind to resist in the latter case.

8223. Then your objection to the ballot is not that the priest would find out how a voter had voted, but that he would influence the voter to vote in a particular way?—No; my objection is that the ballot, as I understand, is for the purpose of securing secrecy of voting, and if it fails in that end, it does not accomplish the object in view.

8224. But I understand you to state that any voter who had strength of mind to vote against the priest's wishes would have strength of mind also to conceal how he had voted?—I think he would.

8225. Therefore the ballot would be a security for all those voters who would vote contrary to the priest?—But there are very few of that class of voters amongst the majority of the county voters, and indeed amongst the urban voters, in Ireland, who I think, if the question were asked, would not tell the priests.

8226. Sir *George Grey.*] You think that, although the ballot would secure freedom, as against the landlord, as against the priest, it would not be secret voting?—That is my statement.

8227. *The O'Conor Don.*] Did I understand you to state, that if a voter voted against the wish of the priest, the priest would still be able to find out how he voted?—I do believe so; but I may tell you that I scarcely suppose cases of that sort to exist among the lower orders in Ireland; it requires a very strong mind, indeed, to resist clerical influence in political affairs.

8228. What is the clerical influence which it is so difficult to withstand?—The clerical influence I have illustrated in the municipal elections, and I have illustrated it in the Parliamentary elections in Monaghan; and I will give another instance. In one case I was asked to get a booth cleared by some agent or other, and I went there; it was stated that a farmer had come up to vote for a particular candidate, and that when he was handing in his paper, a clergyman came in, and took the paper, or the card, out of his hand, and put another into it, and the man went up and voted; that appears to me to be an undue exercise of influence.

Mr. J. Norwood.

11 June 1869.

8229. You did not witness that yourself, did you?—No, I was told so; I was giving that by way of illustration.

8230. Sir *George Grey.*] When you spoke of clergymen, you meant, did you not, Roman Catholic clergymen? — Yes; the honourable Member was confining my attention, as I understood him, to the influence of the Roman Catholic clergymen.

8231. *The O'Conor Don.*] What I was directing your attention to was not the particular act of an individual clergyman, but to this influence which you have designated as clerical influence; that is, not the influence of an individual, but influence in connection with religion; I want to know what you mean by this clerical influence; is it that certain individuals who happen to be priests, acting as individuals, have influence over certain persons; or is it that the Catholic religion is brought in to influence the minds of the voters? — I think that a clergyman has a much more powerful influence with a Roman Catholic voter than any layman can have.

8232. You mean in inducing the mind of the voter to believe that a certain course is the right one?—Yes.

8233. Under the present system that influence exists?—Under any system I think it would exist.

8234. Supposing that through that influence a voter is convinced that a certain course is a right one to adopt, do you think that he ought not to follow that course?—If he be convinced, by argument and by reason, that a particular course is a right one to adopt, I think I would not call that undue influence.

8235. Did I understand you to state that among the lower classes of Catholic voters the priests have that power over the minds of Catholics as to make them believe that certain views are right even under the present system?—Yes, and under any system.

8236. Do you not believe that if the ballot were established, those men would vote more according to their convictions?—I think they would vote in the way in which they were directed. This clerical influence has been made the subject of Parliamentary inquiries in the case of the Sligo and Mayo and other elections; and it has been perfectly clearly defined in the books what undue clerical influence is, and elections have been set aside on that ground.

8237. Upon the ground of a clergyman persuading an individual that a certain course is the right one; is that what we are to understand?—No; on the ground of the exercise of undue clerical influence on the part of the Roman Catholic clergy.

8238. Could you state in what particulars this undue clerical influence was brought to bear?—I have read the reports in the books on elections; under the head of "Undue Influence," you will see, I think, in the case of the Sligo and Mayo elections, instances in which the elections were set aside, and Roman Catholic clergymen were, either in both or one of the instances, ordered to be prosecuted by the House of Commons.

8239. In those cases did not the Roman Catholic clergymen use personal violence as individuals, and threaten the voters with personal violence?—So I believe.

8240. But that is not at all what we have been speaking of before as clerical influence?—It may exhibit itself in other ways than by personal violence.

8241. But in those cases in which the elections have been set aside upon the ground of the undue influence of the priests, that undue influence was just the same, was it not, as might have been used by any other individual in the community?—Yes; but as I tell you, from the peculiar influence, and the unbounded influence derived, no doubt, from their religious position, and their sacred character in the eyes of their flocks, Roman Catholic clergymen exercise an unbounded influence over the minds of the people in the country.

8242. And they would persuade people to vote in a certain way in consequence of that?—Yes.

8243. And the people would then vote in accordance with their own convictions?—That I cannot say.

8244. Have you not just told me that the priests exercised such an unbounded influence over the minds of the people as to persuade them to do whatever they like?—I have known cases where a voter voted contrary to his convictions and contrary to his promise. I was told so, and I saw letters confirming that view.

8245. And would not the ballot have given that man perfect security against his priest?—I do not think it would.

8246. Why not?—Because if his clergyman asked him how he had voted, I think he would not have refused to tell him; that was my opinion.

8247. Although he would have voted contrary to the priests, or the clergyman's wishes?—Yes.

8248. Have you ever heard a Roman Catholic object to the ballot upon the ground that it would place him at the mercy of his priest?—I have heard a Roman Catholic gentleman say that he did not think it would afford any protection and for the reasons which I have given you.

8249. Have you ever heard a Roman Catholic either high or low, object to the ballot upon the ground that he himself would be placed at the mercy of his priest if the ballot existed?—I have never heard them say so.

8250. This objection against the ballot on the ground that the priestly influence would be unlimited if carried out, usually comes from Protestants, does it not?—Yes, but as I tell you, I asked some Roman Catholics, and they coincided with me.

8251. How many have you ever heard coincide with you in that view?—I took an opportunity when I was in Ireland of asking three or four, or say five; I think I asked five, and I think out of the five, two Roman Catholics coincided with me and three were in favour of the ballot. I may say generally that I think the Roman Catholics in Ireland would be more favourable to the ballot than the Protestants.

8252. Sir *George Grey.*] You said that there were only three polling places in the county of Monaghan at the election of which you have spoken; was that the utmost number that could then be provided by law?—Yes; I would have been very glad if I had had an opportunity to have had other polling places, but the only polling places were Monaghan, Castle-Blaney, and Carrickmacross.

8253. Was there not any power on the part of the sheriff to increase that number?—The sheriff could not increase their number at that time.

8254. Has

8254. Has there been any alteration of the law since allowing an increase of polling places?—There is a method by which, if the magistrates assemble and consider it necessary, they can, on a requisition to the Lord Lieutenant, get a number of additional polling places, and there was an attempt made, I think, to get a number of polling places for the county of Waterford after the last contested election in 1865, but it was negatived, and to the very great regret, I believe, of everybody, it was negatived, because subsequently there arose cases of violence.

8255. Was there a contest in the county of Monaghan in the last election of 1868?—There was not, and that arose from peculiar circumstances.

8256. *The O'Conor Don.*] Is it the fact that there was no contest at the last election in Monaghan?—I think there was not.

8257. Sir *George Grey*] Do you know whether there were more polling places at the last election than there had been at the election of which you have spoken?—No, there were just the same number.

8258. Had there been any application in the meantime on the part of the magistrates to the Government to increase the number of the polling places?—I believe not.

8259. Do you think that the advantage of having more polling places would be, not merely that the voter would not have to go so far, but that he would not find so great a crowd collected around each polling place?—That is so; there would not be so many mobs.

8260. Therefore the voter would be more free in the exercise of the franchise, in addition to shortening the distance he would have to go?—Certainly.

8261. You have recommended voting papers; have you considered whether the influence of the priest might not be very powerfully exercised over the voter at the time of his signing the paper, and the influence of the landlord and his agent also?—If proper arrangements were made to have those voting papers signed by officials, I think it might be done in such a way as to prevent, at the time of signing the paper, the influence either of the landlord or of the clergyman.

8262. Do not you think that the clergyman would, if he possessed the influence which you have described, be able to direct the voter for whom he was to vote, even by the voting paper?—I think he might.

8263. Then as to the freedom from influence; you do not think that the voting paper would give him any advantage?—I think it would have some advantage in that way.

8264. Do you think that a voter would be more likely to exercise his free choice in signing his name to the paper than he would in giving his vote at the poll?—I think he would.

8265. Why do you think so?—Because, in the first place, he would not be exposed at the moment to the direct personal presence of the Roman Catholic clergyman, as he is in the polling-place and also to the mob.

8266. Do you think that the presence of the priest influences a man to change his vote after he comes into the polling booth?—I cannot say that, but I believe that in the instance which I have mentioned it did do so.

8267. You have recommended the abolition of nomination days, and suggested that there should be a certain number of days between the issue of the writ and the election, within which nominations might be sent in; how many days would be sufficient for that purpose in a county, do you think?—I should say that after the writ has been received and the proclamation made by the sheriff, five days would be sufficient within which to allow all parties anxious to contest the county to send in their nomination papers to the sheriff.

8268. Supposing that a nomination paper were sent in late on the fifth day, how would it be published to all the county voters living at great distances?—At present there are greater facilities than there used to be for making proclamations and publications by means of the railways and otherwise; and if that were not long enough I would give an additional day or two. That is a matter of detail, and if five days were not sufficient for a large county, I would give, say, 10.

8269. Do you mean that you would give an additional day or two between the last day fixed for receiving nominations and the day of the election?—Supposing you gave five days from the proclamation that the election would be holden for nomination to be made to the sheriff, I would then give five days more from that to the election.

8270. Do you provide at all in your scheme for the withdrawal of a nomination, or would you make it necessary that there should be a poll if there were more candidates nominated than the number to be returned?—I would allow the sheriff to name two or three days within which a party might withdraw.

8271. Would not that necessarily involve a considerably greater delay than now takes place between the issue of the writ and the actual election?—Yes, I should say so; but I think that the advantages of getting rid of nomination days, and of the mob, and the turmoil and interruptions to the business of the town or city, would counterbalance any disadvantages of that character.

8272. Do not you think that it would be a great disadvantage to grant 10 days, within which all that tumult and confusion could go on, instead of giving four or five days?—The turmoil and confusion of the nomination day are confined to that day.

8273. Is not there a great deal of confusion and turmoil between the proclamation of holding an election and the actual holding of it in most places?—There is excitement, but I am not aware that there is so much turmoil.

8274. Mr. *Villiers.*] Have you been observing elections in Ireland for some years past?—I should say from 15 to 16, or 17 years.

8275. You have been watching the elections at the time of the general elections?—Yes.

8276. And you have also watched the municipal elections?—Yes.

8277. Do you see any improvement in the way in which they are conducted now, comparing the present period with the former one, in the irregularity, confusion, and tumults of every description that go on at those elections; did they go on to a greater extent formerly than they do now?—The tumult that I have described was in 1865, in Monaghan, and I believe that there was considerable violence in many of the elections last year.

Mr. *J. Norwood.*

11 June 1869.

8278. You are making certain suggestions, are you not, which are founded upon the hopelessness of improvement, if you leave the system as it is?—I think that the arrangement at present for having so few polling places, and so distant from a number of voters, ought to be at once got rid of.

8279. But you do not deny that a riot takes place, and that undue influence takes place?—That exists, I say, up to the present time.

8280. And you think it is high time that there should be some change of the law, or some change of the system?—Yes, I think so.

8281. You know of no remedy but the papers that you would give the voters for Members of Parliament?—Yes, that plan has worked well in the case of the universities.

8282. Where?—In Ireland; I have voted myself by voting paper for the university under the last Statute.

8283. Are there not different classes of persons that are admitted to vote for the universities from those that vote for counties and boroughs?—Yes, certainly; but the advantage to a poor man would be just as great as to a rich man; for he would be saved the trouble and expense, and loss of time, and danger of going a great distance, unless he were adequately protected.

8284. You do not think that it would make the man more free in his action, but that it would save him trouble and expense?—I think it would make him more free in his action, as I have already described.

8285. I do not quite understand what you mean by an official signing the papers; when a man sends in his paper he signs it himself, does he not?—The way in which we vote by papers in the university is this: you get a paper sent down to you; it was sent to me by post. I went to a magistrate of the borough of Belfast, and I said, "I wish to vote"; and I signed it before him, and I put it in an envelope, sent it up to an election of the university, and he signed his portion of it, and handed it in, and recorded my vote *vivâ voce*.

8286. How do you mean that he signed his portion of it; you sign it because it was your vote, and you sent it up?—Yes; but I can give you the form if you wish to see it.

8287. Mr. *Hunt.*] In the voting-paper for the university you name the person or persons to tender it to the poll?—Yes.

8288. And you send it to one of those persons?—Yes.

8289. And before tendering it to the poll, that person writes his name on the back, to authenticate the paper?—Yes.

8290. Then he hands it in, and it is read out as your vote?—Yes, he declares my vote aloud, and it is read by the returning officer aloud, and recorded.

8291. Mr. *Locke.*] It has to be signed, first of all, before you send it up, by a magistrate, has it not?—It is signed, first by myself and then by the magistrate; it is then countersigned by the voter at the poll, and initialled by the returning officer.

8292. Mr. *Villiers.*] There is no security, is there, against anybody standing over the voter, and guiding his hand, or influencing him to sign his paper?—There was no one present but the magistrate and myself.

8293. That does not secure the freedom of the man, because he signs it as he is told to sign it, or he may do so; all that you get by the officer signing it is that the vote is identified with the paper that is signed?—But I think it is a very great matter to remove the influences that surround a polling-booth as at present arranged, where you have the mob and where you may have the priests.

8294. It is a question, is it not, where the influence should be used, whether at the man's house or at the polling-booth?—Or at the magistrate's office or the official's office.

8295. I think you say that those papers are used in the election of guardians?—Yes, they are.

8296. And did you never hear of any abuse in Ireland, in signing the paper for the choice of guardians?—I have known a great many elections there, and very warmly contested ones, and there are a great number of voters; and I have heard of but very few instances indeed where those papers were tampered with or interfered with.

8297. But you have heard of their being tampered with?—I have heard so. In my own ward there are 2,000 voters, I believe, who voted at the last election; I was myself one of those nominated, and I heard of no instances at that election where a paper was unduly interfered with, or at all.

8298. I presume you did not enquire much into the matter?—I was very much interested in it.

8299. Sir *George Grey.*] You said that you thought the freedom of the voter, if I understood you rightly, would be secured by his signing before an official?—I did not say that it would be entirely secured, but that it would tend very much in that way.

8300. Do you mean that if he was alone in the presence of a magistrate to attest his signature, he would be comparatively free from the influence now exercised over him?—That is my opinion.

8301. Are not most of the landlords and land agents magistrates in Ireland?—Yes; where a landlord is not a resident it is usual to put his agent in the commission of the peace.

8302. Do not you think it possible that the land agent, who is also a magistrate, might require or induce a tenant of that estate to come and sign this paper before him, he being a magistrate?—In that case I should say he would act very wrongly.

8303. Do not you think it is a possible case?—I think it is a possible case.

8304. Supposing that the land agent did not himself act as a magistrate, might he not find the agent of some other landlord in the neighbourhood to attest?—I can conceive many instances in which there is a possibility of the magistrate and the agent influencing the signing of such paper, but I can conceive many instances also in which there would be no such interference, because there are a number of magistrates all over the country who would not be open to this objection.

8305. But you do not recommend this system of paper voting as one which absolulely secures the voter against the influence either of the priest or of the landlord?—It would not be an absolute security; but I should explain that I would not substitute it for *vivâ voce* voting at the poll as

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at present, but only in case the voter wished to do it; because at present you can vote in the University personally, and *vivâ voce*; it would only be a supplementary mode of voting, to be adopted according as the convenience or the wish of the voter might require.

8306. Would not that leave it open to the landlord and his agent on one hand, or the priest on the other, to require that the voter should vote openly, *vivâ voce*, and not by paper?—Yes.

8307. Mr. *Hunt.*] There was a Bill in Parliament last Session for multiplying the number of polling-places in Ireland, was there not?—Yes; so I believe.

8308. And if that Bill had been passed, it would have obviated some of the evils which you have mentioned with regard to mob intimidation, and the inconvenience of voters having to go a distance to vote?—It would have greatly obviated those difficulties.

8309. Sir *Frederick Heygate.*] You have been asked whether if the voter had to go before a magistrate it would not generally happen that the magistrate was either a proprietor or his agent?—I was asked whether there was not the possibility of such being the case; but there are resident or stipendiary magistrates as well as agents.

8310. Would not it be easy for the voter to go before a resident magistrate?—Yes, before any magistrate he chose.

8311. I mean a resident magistrate who is not a landlord nor an agent, but a stipendiary magistrate?—Yes.

8312. Mr. *Gathorne Hardy.*] You do not expect perfection from this scheme; but you think that it would be a great improvement?—A great improvement; but I mentioned that I do not believe that it would absolutely secure freedom, because all systems are imperfect.

8313. Sir *Michael Hicks Beach.*] If the voting paper were signed by the magistrate in open court, I presume that the magistrate could exercise no influence over the voter?—So I should say, with proper arrangement, no influence could be exerted. The magistrate before whom I signed my paper on that occasion merely filled it up according to my directions, and I bowed and went away.

8314. Mr. *Locke.*] There is no particular place where the magistrate attends for the purpose of certifying to the identity of the party, is there?—Not under the 31 & 32 Vict. c. 121.

8315. But he may be anywhere, may he not?—Yes, he may be anywhere.

8316. He may be at the committee-room of the candidate?—If it be at a distance he would not be at the committee-room.

8317. Do not you know, as a fact, that a magistrate, at all events in the elections for the universities in England, does go to the committee-room for convenience?—I have never known that, because the Act of Parliament is for the purpose of facilitating persons at a distance voting.

8318. Persons in London are at a distance from Oxford or Cambridge, are they not?—Yes, certainly.

8319. Are you aware that the magistrates are in the habit of going to the committee-room of either of the candidates that they may think fit, if they agree in politics, for the purpose of signing those papers?—I am not aware of that; but in Ireland I do not think that that could occur, because I am not aware of committee-rooms being established in a similar way with reference to the election for the University of Dublin.

8320. We will take an election for a county in Ireland; you have committee-rooms there, I presume?—Yes, there are committee-rooms.

8321. Is there anything to prevent a magistrate, who is a strong partisan in favour of a particular candidate, going to that committee-room for the purpose of certifying that the person who signs this paper is the right person?—There is nothing that I know of to prevent him.

8322. Do not you think that that being the case, the magistrate being provided at the committee-room, persons might be influenced and taken to that committee-room to vote for a particular party?—Persons might be brought thither, but they need not go there; if they wished to vote uninfluenced by anybody, they will go to a magistrate and not to the committee-room of a particular candidate.

8323. Supposing that they are particularly anxious to vote unbiassed by anybody else, still that does not prevent people from trying to bias them, does it?—Not at all.

8324. And from using their influence to induce them to vote for particular parties?—It does not prevent that.

8325. Therefore, any influence that persons might wish to exercise over them might be very easily exercised, might it not, through those voting papers?—I do not believe that the voting paper would entirely exclude the exercise of influence whether due or undue, but I think that it would go very much in that direction.

8326. Might not they induce them to come either to the committee-room, or to go before the magistrates and sign the paper?—Certainly; I can conceive their doing so.

Mr. William Scott, re-called; and further Examined.

8327. Mr. *Hunt.*] You read what you called a copy of a letter which you wrote on the 16th of December to the Marquis of Lothian?—Yes, what I thought was a correct copy; if it is not correct, I beg to be corrected.

8328. Did you wish the Committee to understand that it was an exact copy?—I thought it was; but of course in scrawling a letter, we very often score out pieces of one thing or another, and I might have done so. It was taken from this scrawl, and I may have made a mistake.

8329. I gathered from your evidence that it was copied at the time; here is the original letter, or part of it, and what you handed in as a copy; will you (*handing the letters to the Witness*) be so good as to look at the two together; I want to call your attention to the paper on which it is written, and to the colour of the ink, and so on; and having called your attention to that, do you wish to represent to the Committee that the copy was written at the same time; but first of all, what you hold in your hand is the original letter, is it not?—Yes.

8330. Will you now look at what you handed in as a copy; I want you to notice the different character of the paper both as regards the material

Mr. *W. Scott.*

11 June 1869.

of the paper, the one being black-edged, and the other not; and I wish to call your attention to the different colour of the ink, and I wish to ask you, was that copy written at the time?—It would be written immediately at the time; but it might be written from a scrawl, and not from the copy sent to Lord Lothian.

8331. Do you now wish to represent to the Committee that that copy was written at the time when the original letter was written?—It was written the same day, I have no doubt of it.

8332. Just compare the faint character of the ink in the one case, and the bold character of the ink in the other?—I think the difference of the pen would make all the difference between the appearance of these two.

8333. Do you mean to say that the one letter was copied from the other?—I think they would be both copied from the draft, because I wanted to get away Lord Lothian's immediately.

8334. You do not mean to say that it is an exact transcript?—It is not exactly; there is an expression in Lord Lothian's that is not in this copy, which I at once admit.

8335. If you will look at the words, "I would take no part in the election against, beyond giving my vote," in the copy that you read to the Committee are these following words omitted: "and I would even go further, that I would get a voter who intended to support Sir William Scott to remain at home on the polling day, so that in reality my vote might not count"; are those words omitted in the copy which you handed in to the Committee?—They are omitted in that copy; I thought that they had been in the letter which Mr. Otto produced to the Committee referring to my breaking a pledge.

8336. Those words are omitted in what you read to the Committee?—Yes, they are omitted; I thought they had been in the other letter.

8337. Will you tell me whether that omission was made purposely or not?—No, decidedly not.

8338. It was an accident, was it?—Undoubtedly; I thought I had had an exact copy; I certainly did.

8339. Will you tell me this; have you given to other people copies of your letter to Lord Lothian?—I showed this copy to one of my friends.

8340. Have you not merely shown, but given copies to other people of your letter to Lord Lothian?—No.

8341. Have you let persons take copies?—I do not know whether they might take a copy or not, but I gave no copy to anybody; I showed this copy to one or two individuals, and got it back again.

8342. Have not copies, or what have purported to be copies, of your letter to Lord Lothian, been circulated and given to different people in the county?—I do not know whether they might have taken copies from my letter, but I gave no copies.

8343. How would they get the copies?—I gave this to one or two friends to see.

8344. Will you look at this copy (*handing another paper to the Witness*); does that purport to be a copy of that letter?—It says so, but it is not my writing.

8345. I want to know whether you have let persons take copies of that letter?—They may have taken copies.

8346. Have you seen them take copies?—No, I have not; I have seen no one take a copy.

8347. This letter that you read out to the Committee is a copy, you say, which must have been taken from the rough draft?—Yes.

8348. Where did you keep that rough draft?—I had it at the time, and it was taken away that day, or the next, that I sent the letter to Lord Lothian.

8349. I want to know where you kept the draft of the letter?—I had it in my own house.

8350. Could anyone have got at it without your permission?—I do not think so.

8351. Have not garbled copies of that letter, with more omissions than I have noticed there, been circulated in your neighbourhood?—If they have been circulated, they have not been circulated to my knowledge.

8352. Could they have been circulated without your knowledge?—They may have been circulated without my knowledge; I showed this copy to one or two of my friends, and they may have taken copies, which I could not be responsible for.

8353. I want to know whether copies have not been circulated in your neighbourhood, with the omission of these words that are omitted in the copy to-day, and these words, "and I would even go further; that I would get a voter who intended to support Sir William Scott to remain at home on the polling day, so that in reality my vote might not count"; and the next sentence, "This I did, and even advised some parties who were hesitating between the two candidates to vote for Lord Schomberg Kerr"; were not those words omitted in the copies which have been circulated in the neighbourhood, and "this I adhere to" substituted instead?—I do not think so; this is the envelope (*producing the same*) in which I put this copy, and it has lain there all the time since I wrote it. I put it into the envelope, and this envelope has lain in my desk all the time, till I took it out, perhaps, to show two or three friends.

8354. When was this written on this envelope, "Copy letter to Lord Lothian"?—Either the day that it was sent away or the next.

8355. Did not you know that copies were circulated in your neighbourhood, purporting to be true copies of the letter which you wrote to Lord Lothian, with the omission of those words which I have read, and with the further omission of this passage "This I did, and even advised, some parties who were hesitating between the two candidates to vote for Lord Schomberg Kerr"?—I thought that it was an exact copy which I had shown to everybody. That is not my writing, whosever it is.

8356. In the Minutes of Evidence there is a copy of the original letter, and you admit that the passage beginning "I would even go further" to the words "might not count" is omitted in this copy which you have read to the Committee to-day?—Yes, I thought that this passage had been in it.

8357. But you admit that it is not there?—Yes, it is not there.

8358. Have not copies of what purported to be a copy of the letter been circulated in your neighbourhood, with the further omission of this passage, "This I did, and even advised some parties who were hesitating between the two candidates to vote for Lord Schomberg Kerr"?—They may have been.

8359. In the original letter there appears this further passage, "Three of my brothers were on the

the committee and voted for Lord Schomberg Kerr"; in the copy circulated in your neighbourhood, were not the words "were on the committee and" omitted too; did it not run "Three of my brothers voted for Lord Schomberg Kerr"? —They would know perfectly well in the neighbourhood, and I do not think that that is an omission of the slightest consequence.

8360. I want to know whether those omissions were not made in the copies which purported to be copies of the correspondence circulated in your neighbourhood?—I do not know.

8361. *Chairman.*] Do you know anything of the copies of your letter which have been circulated in your neighbourhood?—I showed the letter to one or two friends, and if they have been copied and circulated in the neighbourhood they have copied them without my knowledge at all.

8362. Do you know anything of copies of your letters being circulated in your neighbourhood? —No; I do not.

8363. Have you seen any?—I have never seen any.

8364. Have you heard of any?—I understood that Mr. Hilson had showed it to one or two parties who were his friends, and that he had sent copies to a number of parties.

8365. Mr. *Hunt.*] Who is Mr. Hilson?—He is a writer in Jedburgh.

8366. Have you heard that he had shown them?—He told me that he had shown them.

8367. How did he get it to show?—I gave it to him.

8368. Did you give him an exact copy of the original letter, or did you give him the copy which you have read to-day, or what did you give him?—It must have been the copy which I read to-day.

8369. Will you undertake to say that it was an exact copy of what you read to-day?—I think so.

8370. Will you undertake to say that the passages which I have called your attention to were not cut out of it by your direction or wish? —I will say that they were not cut out either by my direction or my wish; they were not done in that way at all.

8371. Sir *George Grey.*] Had you ever seen before to-day that paper which the Right Honourable Member put into your hands just now?— Never, to my knowledge.

8372. Do you know by whom it is written?— I do not.

8373. You never saw it before?—No; and I do not know the handwriting.

8374. Mr. *Hunt.*] Have you seen a letter purporting to be a copy of your letter to Lord Lothian, with the same omissions that there are in this paper?—I really could not say; of course I never thought of reading the copy over.

8375. Did you not consult with some one about cutting out some parts of the letter?—No, I did not.

8376. Nor furnished any one with a copy with certain parts omitted?—Not to my knowledge.

8377. Will you undertake to say that you have not done so?—I will; they were not omitted to my knowledge, and if they were omitted it was a thorough mistake; I will undertake to say that it was not, to my knowledge.

8378. Sir *George Grey.*] Had you any reason for concealing the fact that you endeavoured to induce a voter to stay away?—None whatever.

8379. Had you any reason for concealing the fact that your brothers were on Lord Schomberg Kerr's committee, and voted for him?—No; in fact they were published on the committee, and there could be no occasion for concealing it, because it was quite well known over the whole county that they were on the committee and took an active part.

8380. Before you came here to-day had you read a copy of the evidence given by Mr. Otto the other day, before this Committee?—I had read the evidence.

8381. Had you read a copy of the letter which he put in, as far as it was a copy of your letter? —I read the whole of the evidence, and I could not understand the difference between them; I have read the copy which I saw in the evidence of the Committee, and I read the copy printed in the papers, and I could not well reconcile them.

8382. Were you fully aware to-day when you came to give evidence before the Committee that that passage which is omitted from your copy of the letter was already in the possession of the Committee, having been put in, in the copy of the letter, by Mr. Otto, the other day?—I thought that the two letters had been confounded together in the printing of the paper; I did not think that it had been in that letter; I thought that it was in the letter that I wrote to Mr. Otto.

8383. Had you any desire or intention to conceal from the Committee to-day the fact that you had stated to Lord Lothian that you had induced a voter to stay away from voting for the Liberal candidate, and that your brothers had been on the committee of Lord Schomberg Kerr, and had voted for him?—None whatever; because it explains the reason why I had detained the voter.

8384. Mr. *Brand.*] Have you still in your possession the rough draft of that letter to which you have referred?—I do not think so; at least I am very doubtful whether I have it. Perhaps the Committee will allow me to make one or two statements: the letter which I got from Mr. Otto in answer to one of mine asking him to look over the farm, I can produce, which shows that it was more than merely to give in a report; I think it indicates something more, if the Committee will receive it.

8385. *Chairman.*] When was that letter written by Mr. Otto?—On the 21st of October, when he intimated to me that he was coming to look over the farm; I think it indicates more than merely to give a report to Lord Lothian; "Jedburgh, 21st October 1868. Dear Sir, I have yours of yesterday, but have never yet been able to get Lord Lothian to fix what portion of Bonjedward Moor he wishes to reserve for planting; if, however, you are disengaged, I will meet you at Ancum Bridgend to-morrow (Thursday), at two o'clock, and take a look over the farm." I think the fact of his mentioning that he was not able to get Lord Lothian to fix about the plantation of the moor shows that it had no connection with the mere report upon the farm, and that it indicated that there was something more than coming to look over the farm, or for the purpose of merely giving a report to Lord Lothian.

8386. Does Mr. Otto manage all Lord Lothian's estates for him, or is there any other factor?— There is no other factor.

Mr. *W. Scott.*

11 June 1869.

8387. Do you know whether his Lordship consults any other person about the letting of those farms?—I am not aware that he consults any other person; I have been with the offerers for farms two or three times on Lord Lothian's estate in Roxburghshire, and Mr. Otto in one case told us that the gentleman that I was along with would get the farm, because he, Mr. Otto, had had nothing to do but to recommend it to Lord Lothian and it would be done.

Mr. Christopher Harkness, called in; and Examined.

Mr. *C. Harkness.*

8388. Mr. *Brand.*] I believe you are the Provost of Dumfries?—Yes.

8389. You are a political agent there, are you not?—Yes, I was a political agent for Lord Drumlanrig in 1853, when, as a Liberal, he was elected for the county of Dumfries; and he was Member, I think, for four or five years, or perhaps more. I also acted as the Liberal agent for the late Mr. Ewart in 1857 and 1859, and I acted as his principal agent in 1863, and until he resigned in 1868; and I acted for Mr. Jardine, the present Member for Dumfries, at the last election.

8390. I believe that your object in attending here to-day is to tender evidence with respect to Mr. McGowan's evidence, given before this Committee some time ago?—Quite so.

8391. In answer to question, No. 5,992, Mr. McGowan states, "My instructions on that occasion were to hold ward meetings nightly in one or other of the small public-houses in the ward, and I believe the other ward agents had the same instructions;" have you any observations to make upon that point?—That refers to the election in 1865. The instructions were not to hold ward meetings in each of the wards every night. Taking Maxwelltown in account, there are five wards in Dumfries, and there were never more than one or two meetings each night at which most of the agents attended, and I was there generally myself.

8392. Mr. McGowan, in answer to Question 5993, states that the practice of treating prevailed extensively and openly on both sides previous to 1865; how was that?—I was one of the agents in 1857 and in 1859 for Mr. Ewart, and on those occasions I was the principal agent under Mr. McGowan's brother, and I saw no treating at that time.

8393. He further stated, in answer to Question 5,996, that to some extent the committees of the other candidate, that is Mr. Jardine's, held meetings at public-houses, was that the case?—No, it was not the case; there were no meetings in public-houses in Dumfries, or in Annan, or in Kirkcudbright, or in Lochmaben; there might be in Sanquhar, as I believe there they have no other place to meet in but a public-house, but I am led to understand that there was no drinking at those meetings.

8394. He further stated that there was the usual slight amount of intimidation in the burghs by customers among tradespeople?—I am not aware of that; I never heard of it. I may state, however, with reference to public-houses that that subject was taken up before. It was stated by one of our opponents, in the month of September 1868, publicly, that there was treating going on in Dumfries and in Lochmaben, and in Annan, and in other burghs, and Mr. Jardine took up the question. The gentleman who made that statement was Dr. James Murray McCulloch of Dumfries, and he apologised in the following terms: "To Messrs. S. Adamson and J. Simons, Writers, Dumfries. Dumfries, 12th September 1868. Gentlemen—At a meeting of the electors of Dumfries, held in the Mechanics Hall on Tuesday evening last, I was led to state that drink had, during the present election, been given in enormous quantities at Lochmaben, Annan, and Dumfries, and after questioning Mr. Noel and his agents if they had been parties to giving drink, and receiving their denial and expressing myself satisfied, I proceeded to say, 'I for my part cannot see how any honest man can vote for a candidate that has, either through himself or his agents, broken his plighted faith.' I regret that these expressions have been understood to apply to Mr. Jardine of Castlemilk, who was the only other candidate in the election, and who had at a public meeting, in answer to a question put by me, declared that he would not pay any public-houses bills incurred in his candidature. Being fully satisfied that there is no ground for applying these or any such expressions to Mr. Jardine, I retract the same. I never had the slightest idea of calling in question his honour and veracity. I am, gentlemen, your obedient servant, James M. McCulloch."

8395. Again it is stated in answer to Question No. 6008, that flagrant exhibitions were made in the burghs, of magistrates bringing their power to bear in relation to the licensing; as Provost of Dumfries do you wish to say anything upon that point?—Yes; allusion has been made to the licensing courts held in April and October; at the licensing court in April there were 17 cases of applications refused; two people who had not got licenses appealed to the quarter sessions and at the quarter sessions they were granted; that reduced the number to 15; in October, 11 of those 15 applied for new licenses, not 12 as stated by Mr. McGowan, two of the 11 were refused; the gross number of applications was 14, and five of those had no votes, which reduced the number to nine; and of course that could not have any influence upon the election; then four applications were granted by the whole bench of magistrates; there was no complaint as to those; that reduced the number to five, and one at the quarter sessions was granted; the appeal being refused and the judgment of the magistrates being upheld; that reduced the number to four; then with regard to those four, two of them now hold licenses without any complaint; I think the number has been reduced to two, and I am quite willing to go into those two, and give the particulars of them, if it is wished.

8396. You wish to deny the statement that one of your brother magistrates had alleged that the magisterial office had been prostituted for political purposes?—I have spoken to two of my brother magistrates, who concurred with me in considering those cases since that statement was made, and none of us can remember that such a statement was made, but it is quite possible that it

it might have been made, because we were all sitting in a row, and the gentleman who must have stated it was nearest the reporters. I did not hear it myself, but supposing I had heard it, it was a statement, I think, which was groundless, and was one that I think a dignified silence was the best way of answering; and that to have answered such a question as that would have been a very awkward affair upon the Bench.

8397. Is there any other point which you wish to advert to in Mr. McGowan's evidence?—It has been alleged that undue influence was used at Lochmaben. It is stated that Mr. Jardine and his friends are the only proprietors in the neighbourhood; that is a mistake, for the Marquis of Queensbury and Captain Yorstoun, who was examined here the other day, and Mr. Byrne of Elshieshiels, have large properties in the neighbourhood. Mr. Jardine, of course, has property lying in the neighbourhood; he is very highly esteemed there, and it is quite natural that the people of Lochmaben should support him. But it has also been alleged that it was the majority in Lochmaben which gained the election; that is a mistake, because the majority in the borough of Dumfries was 156 in favour of Mr. Jardine, and some 79, I think, in Lochmaben. With reference to nominations, I may state that at the nomination in 1865, when Mr. Ewart was returned, there was a great quantity of soot bags thrown; I got a stroke from one of them myself, and although Mr. Ewart was the popular candidate, we had very great difficulty in getting him down to his committee-rooms; and on a recent occasion there was a very great deal of annoyance in Mr. Jardine getting back to his committee-rooms from the hustings, and we blamed Mr. McGowan himself a good deal for manœuvring the mob, who rushed to prevent us getting down towards the committee-room. I was mobbed that afternoon; and on the polling-day which was the following day, there was considerable disturbance in Dumfries; Mr. Noel addressed the public after the state of the poll was known at five o'clock, and about an hour afterwards, all the windows of Mr. Jardine's hotel were broke.

8398. Sir *George Grey.*] Would that have been prevented if there had been no public nomination?—There was a great deal of excitement at the nomination, but this was after the nomination.

8399. Supposing the nomination had not existed there would have been excitement on the polling-day, and those windows would have been broken?—There were windows to the extent of 120 *l.* broken that evening.

8400. That was on the polling-day and not the nomination-day; it had nothing to do with the nomination?—No; but we would like to couple the whole together.

8401. Do you want to abolish both the nomination-day and the polling-day?—No, not the polling-day; but I would be very glad to see the nomination-day and the declaration of the poll abolished.

8402. Was this disturbance after the declaration of the poll, or was it on the polling-day?—It was the evening of the polling-day that the windows were broken.

8403. Between the nomination and the declaration of the poll?—Yes.

8404. You do not suppose that there is any scheme by which polling could be got rid of?—No.

8405. Mr. *James.*] What was the day in October which was licensing day?—I think it is the third Tuesday in October generally.

8406. When did you commence your canvass for Mr. Jardine?—I think his address was public on the 6th of July.

8407. Had you canvassed before the licensing?—Yes.

8408. And you personally assisted in the canvass of Mr. Jardine?—Yes, I was his principal agent.

8409. Do you know the views of the electors, pretty well, personally?—Yes.

8410. With regard to those 11 persons to whom the bench of magistrates granted a license in October, although they had refused them in April, were the circumstances altered between April and October which caused you to grant them in October?—Yes; licenses were granted to four of them, with the concurrence of the whole Bench, and two of the 11 were refused.

8411. You and your brother magistrates concurred in April in refusing the licenses, but you agreed to grant them in October; what had occurred to cause you to alter your opinion?—We found that we had made a mistake in some cases.

8412. That is to say, you made a mistake in April in refusing?—Yes.

8413. And you put that right by granting them in October?—Yes.

8414. You had refused the whole 11 in April, and you granted them in October; how many of those voted for Mr. Jardine?—Eight voted for Mr. Jardine.

8415. Did the others vote?—One voted for Mr. Noel, whose license was granted.

8416. Did you receive promises for Mr. Jardine from all those people before you granted the license?—No.

8417. You were his agent, were you not?—Yes, but I took very good care not to canvass them in any shape.

8418. You had charge of the canvass books, I presume?—Yes.

8419. How do you account for them all voting for Mr. Jardine?—I suppose it was their own free will; they were not canvassed by me.

8420. It is but due to you to ask you this question; at the time that you granted the licenses, did you know that they had promised Mr. Jardine?—I was not aware of any of them.

8421. You knew that some of them had given him their promises?—But that was not the cause of granting the licenses.

8422. But it is the fact that it was so?—It is the fact that eight of them voted for Mr. Jardine.

8423. I am only anxious to do you justice; did you know that at the time you granted those licenses to those people whom you had refused before?—I was not aware at the time that those licenses were granted which way they would vote.

8424. Had you returned them in your canvass book as promises for Mr. Jardine?—No.

8425. Sir *George Grey.*] Who was the returning officer for the borough?—Sheriff Napier.

8426. Mr. *Edward Egerton.*] You said that the licenses were refused by mistake; what do you mean by mistake?—A mistake with reference to the circumstances of the people.

8427. Will you just explain what you mean; the cases were heard in April, were they not?—They were heard in April.

Mr. C. Harkness. 11 June 1869.

8428. And they were unanimously refused?—The first case was that of Walter Armstrong. He had been once convicted merely, and there was no desire to close up his house permanently, as it had been long licensed, and the magistrates thought that he had sufficiently attoned for his offence by having his house closed for half-a-year.

8429. Was it for this that you refused him in April?—It was on account of the conviction against him in April, and by taking the license from him for half a year, we thought that he had sufficiently atoned; and upon that ground he was licensed.

8430. Do you apply the word "mistake" to any other case?—There was the case of Joseph Craik. His shop is a large one, and had been licensed for 50 years, but owing to the unfortunate selection of a tenant the license had been taken from it, and he again applied for it for himself; he had been previously licensed, and had never been convicted. The justices thought, as a matter of caution to the man Craik himself, not to license him in April; but they licensed him in October.

8431. Sir *George Grey.*] In those two cases they reversed their former decision, according to your present statement; but the magistrates thought that both parties had been sufficiently punished by withholding the license for six months?—Quite so.

8432. Where was the mistake which, you say, occasioned the license being refused in April; did the magistrates think that they had acted with too great severity?—Those two cases were matters of caution.

8433. Then there was no mistake there?—No.

8434. Mr. *Edward Egerton.*] You stated that there were 11 cases in which there had been a mistake; what were the cases to which you apply that word "mistake"?—If the Committee would allow me, I could go over each case separately.

8435. Will you confine yourself to those cases in which you say there had been a mistake, because I presume you know the effect on your own words?—The magistrates took a different view of the case.

8436. In what way did they take a different view?—The first cases were those of Craik and the man Armstrong, which I have explained. Another case was that of a person named Adam Hope, who lives in New Bridge-street, in Dumfries. This person had purchased a property with the view that there was to be a license granted to him; he had purchased it before Whit Sunday 1868, and the magistrates thought it was a great hardship in taking the license from that house. It is only used upon Wednesdays; and upon reconsidering the case, they thought it the proper course to grant the license in October.

8437. They refused it in April, and they granted it upon the same state of circumstances in October?—Yes.

8438. What was the other case?—John Hope, of 9, Queensbury-street. This was a case where the house was also frequented on Wednesdays, and where there was large stabling, and the justices thought that it would be quite sufficient to caution that man. It was supposed that his habits were not very good, and they thought that by taking the license from him for half-a-year, it would make him be careful in conducting his business, and upon that ground they altered their judgment.

8439. Mr. *Gathorne Hardy.*] Did you tell those in April that they were having the licenses taken away temporarily, and not permanently?—No.

8440. Sir *George Grey.*] Was it intended when the licenses were withheld that they should be withheld only temporarily, and should be granted again at the end of six months?—No; there was no statement of that kind made at the time.

8441. Did the magistrates intend to make it a permanent withdrawal of the license, or not?—I think not.

8442. You considered it a question merely of refusing the license on account of the misconduct of the parties?—Yes. The next case was that of John Mars. That was an old licensed house, but he was a new tenant, and the magistrates upon that occasion took away the license for half-a-year from him. He appealed, however, to the court of quarter sessions, and the court of quarter sessions granted it in October.

8443. Is it the usual practice where the persons applying for licenses have been guilty of any misconduct, to withhold the license for six months only?—Yes; that course is sometimes followed.

8444. Which is the most common practice, to withhold the license for six months or to withhold it permanently?—If the case is a very aggravated one they would take away the license altogether.

8445. In all those cases, as I understand, the licenses had been withheld in April, and granted again at the end of six months?—Yes.

8446. Is it usual where licenses are withheld in April, that they are all granted again at the end of six months, or in the majority of cases are they generally refused again?—Each case must be viewed upon its own merits.

8447. Was not it a singular thing that they should all be granted upon this occasion at the end of six months?—I do not think so; two of the 11 were refused.

8448. It was not an uncommon case?—I do not think that there was anything uncommon about it.

8449. Mr. *Whitbread.*] Did you ever remember so many being refused in April, and granted in October?—I have not been long on the bench; I have only been 18 months as provost.

8450. Sir *George Grey.*] But you were one of the magistrates, in fact, the presiding magistrate, who refused it in the one case and granted it in the other?—Yes.

8451. And it was pretty well known, I presume, that you were the agent of one of the candidates?—Perfectly well known.

8452. Mr. *Leatham.*] You stated that in four cases the magistrates were unanimous?—Yes.

8453. Were the whole of the magistrates present during the whole time?—Yes.

8454. And the gentleman was present who made the remark with regard to the prostitution of the office?—Yes, he was.

Mr. WILLIAM JONES, called in; and Examined.

8455. Mr. *Hunt.*] YOU live at Plasnewydd, near Ruabon?—I do.

8456. You have been employed as land agent for different landlords in Wales for some years, have you not?—I have been engaged on the two principal estates in North Wales for a period together of 30 years.

8457. What estates are those?—The one was the Mostyn estate, and the other Sir Watkin Williams Wynn's estate.

8458. In 1859 you were agent for the Mostyn estate, were you not?—Yes, I was.

8459. Did you take part on behalf of the Liberal candidate at the election that took place then?—In Merioneth, I did.

8460. Since 1864 you have been agent to Sir Watkin Wynn, have you not?—Earlier than that, in 1863 I commenced.

8461. In the elections of 1865 and 1868, did you take an active part on behalf of the Conservative candidates?—In the Merioneth, I did.

8462. We have had some evidence from the Rev. Michael Daniel Jones, of Bala, in which he refers to two estates in Merionethshire as the two principal estates; is it perfectly well known what estates he refers to?—The two principal estates in Merionethshire are the Rhewlas estate, Mr. Price's and the other is Sir Watkin Williams Wynn's.

8463. When he speaks of the proprietor of the lesser of the two large estates that is known, is it not, to be Sir Watkin Williams Wynn's estate?—That I should take to be Sir Watkin Williams Wynn's estate.

8464. Sir Watkin has nearly 250 tenants on that estate, has he not?—He has.

8465. Did you canvass his tenants, or not, at the last election in 1868?—I do not suppose I canvassed more than half-a-dozen. I was engaged in another part of the county.

8466. In 1865 did you canvass them?—A few of them only that happened to come in my way, say, half-a-dozen. I do not suppose that I canvassed more than half-a-dozen on each occasion.

8467. Did you write to them?—No.

8468. Did you put any pressure upon them?—None whatever.

8469. Since either of those elections has Sir Watkin Wynn ever put any question to you as to how any tenant voted?—Never, either there (Merioneth), or in Denbighshire.

8470. Mr. Jones, of Bala, stated that, after the election of 1865, nine persons who had been neutral at the previous election voted on the Tory side, and that some of them had their rents lowered after that. Are you in a position to tell the Committee what rents have been lowered since then?—There are but two or three rents that have been reduced since I became agent in 1863. In 1864 there was an increase of rental of 48 *l.*; in 1865, an increase of 22 *l.*; in 1866, an increase of 57 *l.*; in 1867, a decrease of 18 *l.*; and in 1868, an increase of 135 *l.*

8471. Had you ever any instructions from Sir Watkin Wynn to lower any of the rents in consequence of the tenants who had previously not voted on his political side afterwards voting on that side?—Never.

8472. Have you ever had instructions from him to evict anybody on account of their vote?—Never. I may state that he has never given me any instructions whatever politically.

Mr. *W. Jones.*

11 June 1869.

8473. On any estate, of which you have been agent, during the time of your agency, either as Liberal or Conservative, has there ever been an eviction on account of voting?—I have never known one in my experience.

8474. Mr. Jones, of Bala, referred to the case of a chapel in Montgomeryshire, where the congregation was displaced in consequence of some leading members of it having voted a particular way; do you know the case that he referred to?—I do.

8475. In that case the congregation received notice to quit, did they not?—Yes.

8476. What were the circumstances under which they received notice to quit?—In 1858 there was a portion of Sir Watkin's property to be offered for sale, and was offered for sale; and with a view of preparation for that sale, notice to quit was given to every tenant, and the trustees of the chapel accepted the notice, and moved out of the chapel without ever applying for a re-take. The chapel remained for some time unoccupied, and eventually was sold to them.

8477. Was it the case that notice was given to the tenants of the chapel just the same as it was given to all the other tenants on that part of the property?—Precisely.

8478. Under general instruction to serve all with notice, in order to prepare for a sale?—Those were the circumstances.

8479. That you have understood, have you not, from the previous agent?—Yes, from the previous agent; and it has been very much spoken and written of.

8480. What is your belief as to the inclination of tenants in Wales, to vote with their landlords, or the contrary?—Where the landlord stands well with his tenants, very few will go against his views.

8481. Without any pressure?—Yes, without any pressure I have found on both the large estates that I have been engaged upon scarcely any necessity for pressure upon the tenants; both the landlords stood highly in the opinion of their tenants, and as a rule the tenants were always desirous of studying the landlord's wishes and views.

8482. Do you think that if the system of secret voting were adopted there would be any change in that respect?—It might tell, to a certain extent. In Wales it would throw, I believe, greater power into the hands of the ministers and the clergy. I believe it would tend in that way.

8483. Do you think that the inclination of the tenants to vote with their landlords arises from the fact that their votes are known, and that that inclination would disappear when their votes were secret?—I think that as a rule where the landlord is popular amongst his tenants it would not tell very much, but where the landlord is unpopular, it certainly would incline the other way; and would throw more power into the hands of the ministers.

8484. You think that if the landlord was unpopular, under the system of secret voting, the tenants might vote against him?—Yes.

8485. But if the landlord was popular with h

Mr. *W. Jones.*

11 June 1869.

tenants they would vote for him even though under the system of secret voting?—Yes.

8486. Sir *George Grey.*] Do you mean that, whether popular or unpopular, the tenants always vote with the landlord now, as a rule?—I do not say that. I have known many cases where they have gone against the landlord, but as a rule they go with the landlord.

8487. Mr. *Hunt.*] With regard to the influence used by ministers over their congregations, is it the case that they use very great influence?—They use much influence; they are very active in elections, and on those occasions they educate their people to their way of thinking politically; that is about it.

8488. Is it, in fact, a question of landlord influence as against minister influence at an election?—Just so.

8489. There was another chapel referred to, do you know that case?—I do; I have got better evidence as to that.

8490. Mr. Jones was asked at Question No. 6595, "Do you know any instances of Dissenting congregations being turned out of their chapels in consequence of the way in which the leading members had voted?" To which he replied, "I know an instance in which a congregation, or rather two leading men in a congregation had notice to quit, and I know another case in which the chapel was sold;" which case is there spoken of?—It is the case of a chapel in Merionethshire. I think it refers to the election in the year 1859. I spoke before of the chapel in Montgomeryshire. I can speak about the case in Merionethshire better than the other, for I have a letter here which I have found amongst the papers of the late agent, showing that the chapel was sold before the election of 1859.

8491. Will you just give us the particulars?—On the 7th September 1858, there was a petition from the congregation, applying to Sir Watkin with reference to this chapel; and this petition was sent to the acting agent at the time; and, in explanation, he states, that the chapel had been allotted with another farm for sale; but having been applied to by Robert Edwards, who was a Dissenter, to treat for the purchase of the chapel by private treaty, the chapel had been sold to Robert Edwards for 25 *l.* This took place in September 1858, long before the election of 1859; the sale, therefore, could not be on political grounds.

8492. Mr. *Leatham.*] Were you agent to Sir Watkin Wynn in 1859?—I was not.

8493. Did the evictions take place after that election?—That I cannot speak to; the then agent is dead.

8494. That was a fact that was stated in the evidence which we had the other day, and which I understood you were called to rebut?—I cannot state that; my predecessor would have been the only one to answer this question, and he is dead.

Tuesday, 15*th June* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Cross.
Mr. Dalglish.
Mr. Edward Egerton.
Mr. Graves.
Sir George Grey.
The Marquis of Hartington.
Sir Frederick Heygate.
Mr. Howes.
Mr. Hunt.
Mr. James.
Mr. Leatham.
Mr. Locke.
The O'Conor Don.
Mr. Raikes.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE RIGHT HON. THE MARQUIS OF HARTINGTON, IN THE CHAIR.

The Rev. JOHN MCDERMOT, called in; and Examined.

Rev. *J. McDermot.*
15 June 1869.

8495. *The O'Conor Don.*] YOU are a Catholic priest, having a parish in the county of Sligo?—I am.

8496. Were you for several years professor in the College of Allhallows, and in the Irish College at Paris?—Yes.

8497. Were you in the county of Sligo during the last contested election, and did you take a great interest in that election?—Yes.

8498. Had you canvassed with the Liberal candidate on many occasions during the course of that contest?—Yes.

8499. I suppose you are well acquainted, as a Catholic priest, with the feelings of the people, and the different influences that were brought to bear upon them?—I should think so.

8500. Are you aware of any instances of intimidation on the part of proprietors in that county?—Yes, a good many.

8501. Can you mention briefly the cases without mentioning names?—The first instance to which I would direct attention is that of an agent over an extensive property in Sligo; he called together the tenants of a certain locality and told them that they should vote for the two Conservative candidates or else give up their land. One of them remonstrated, and it was told him that he should give up his land, and his answer was, "Well, then, America is wide." That is precisely the expression he made use of.

8502. Was the tenant obliged to do anything then?—On this answer the agent left, and some few days afterwards he returned with four other gentlemen, influential gentlemen I should say in the neighbourhood, and then this tenant was again asked, and so were all the others; but on this occasion they were asked separately, whereas on the former occasion they were all asked collectively; the tenant before referred to was asked, and he again remonstrated, and then the agent said to him, "Well, then, pay your rent (he then owed half a year's rent), and you may go to America."

8503. Did he pay the rent?—He did; he told the agent to drive round the foot of the hill, and that he would cross over to his house and get his rent and pay it. He did cross over, met the carriage on the opposite side and paid his rent, at the same time remarking to the agent, "As this is not the rent day, I presume you have no receipt; however, it is unnecessary, because I presume you are a gentleman."

8504. Were there other instances besides that?—There were several others. On another estate a deputation of tenant farmers waited upon a gentleman to ask permission to give one vote according to their own principles. I must say that they asked my advice with reference to this, and I told them they should not go, because they should act according to their own principles, honestly, and openly, and independently, and should not cower thus before any man. Nevertheless, they went, and the landlord replied, "If you do give even one vote to the Liberal candidate, I shall go abroad and double the rent." To another tenant on the same property, he said, "I shall evict you if you vote in the interest of the Liberal candidate." The tenant did vote in the interest of the Liberal candidate, and he received a notice to quit. I do not say it was for this reason, as another reason was assigned, which, however, existed as well for others as for him; yet he alone was subjected to this inconvenience. I should add that, with reference to those two properties, when canvassing, the tenants bewailed to me, and sometimes with tears, the intimidation practised by the landlord, so that in several instances I advised them to keep back their votes until they saw whether they would be absolutely necessary for the success of the Liberal candidate, because if not they might be kept back, and the voter thus saved from landlord wrath.

8505. Are you aware of any other instances?—There was another instance, and a very peculiar one. There was a public meeting held at a certain place in the county of Sligo, at which I happened

Rev. J. McDermot.

15 June 1869.

happened to be; a sub-agent came up to the platform; and while he was coming towards the platform I asked him, because I represented Mr. O'Conor on the occasion, if he wished to give his vote to the Liberal candidate; he pointed towards the poorhouse that was some distance, three miles off, and said, "Do you want me to cast myself and my family into that house?" Now, he was, as I said, a sub-agent, and it was notorious he had the ear of the agent, and knew the system of intimidation that was conducted; consequently this reply of his had a great effect upon the people around.

8506. Did this man vote afterwards?—He did not vote at all, and I must add that he lost the sub-agency, whether for that reason or not of course I am not prepared to say. He lost it immediately about that time; I have a great many other instances, if the Committee think it necessary that I should give them.

8507. Did you see any letters that were written by landlords?—Yes, I have brought an extract from one; it is written by a landlord, and addressed to a tenant, "I shall watch carefully how every man votes, it will greatly influence me in all future transactions with you. He (that is the candidate, Mr. O'Conor) will have something to do to excuse you to me for refusing my request." This is an extract from the original letter.

8508. Has the tenant the original letter?—Yes; the tenant has the original letter, and this was copied from the original at the moment.

8509. Was the letter shown to the Liberal candidate?—Yes; it was shown to the Liberal candidate himself, and he copied this extract from the original.

8510. *Chairman.*] Have you seen the original letter?—No; I have not seen it myself, but I could get the letter if it be necessary: there is another instance to which I must refer, before I pass away from landlord intimidation; there is a pretty extensive property in the neighbourhood, the landlord of which is an absentee. He wrote letters, and very threatening letters, to the tenants: I did not see these letters, but the tenants told me they were such. These tenants seemed to be in very great fear, and the more so, because during a former canvass the landlord wrote such other letters; that was in the case of Mr. Swift. He afterwards evicted two men because they gave one vote to Mr. Swift. This made the tenants, on this occasion, very much afraid, and I must say, they were advised by Mr. O'Conor and by me, among others, to hold over their votes until somewhere about three o'clock; then if victory declared for Mr. O'Conor it was arranged they would vote for the Conservatives, that thus they might save themselves from the tyrannous conduct of their landlord. They did hold over their votes, and then when it was found that Mr. O'Conor's return was certain, they gave their votes in the interest of the other side; they told me, however, and they told others, that if their votes were necessary they should certainly have given them to Mr. O'Conor, though I did not ask them to do so.

8511. *The O'Conor Don.*] Are you not aware that on several occasions Mr. O'Conor had advised voters in such circumstances to vote against him?—I am; and I must say that I advised several to do the same, but I did so privately, because I was afraid to do it publicly, lest the public feeling would rise up against me.

8512. This intimidation that you have been speaking of was intimidation on the part of Conservative proprietors; are you not aware that there was also considerable intimidation on the part of the people brought to bear upon the voters?—There was of a certain description.

8513. Did they not visit the houses of voters at night and threaten them with personal violence?—Yes, they did; but before I pass away from that, I may say that the intimidation was of a different kind. The object of the landlord intimidation was to coerce the tenant to vote against his principles; I speak now of the Liberal and Catholic tenants. The object of the popular voice and the popular intimidation was, to make the tenant not yield to the landlord coercion. I never knew an instance during the entire election in which any man was asked to vote against his principles by the popular party, at least within the whole locality that I visited. They were only asked to vote in accordance with their principles, and not to yield to the landlord coercion, and I would make that great distinction between the two.

8514. Has it not come to your knowledge that in some parts of the country voters were threatened whose convictions went the other side?—Yes; there were one or two instances, I think, of that.

8515. You stated, I think, that the voters were visited by night, and threatened with personal violence; do you think in many instances that was done with the knowledge of the voters, and to form an excuse to their landlords?—I know that it was.

8516. Were you not yourself requested, on several occasions, to send persons to threaten voters?—I was.

8517. Are you not aware that the Liberal candidate was, on several occasions, requested by voters to send people at night to threaten them?—I know that he and others were; and I might refer to a deputation that waited upon myself, something between the hours of 12 and 2 at night; I was called up, and this was a deputation from a certain number of tenants, who begged that I would send some people to carry them away, and this as a covert against the threats of the landlord.

8518. Do you remember the particular instance of a man, who not only asked that a party should be sent to threaten him, but also gave the particular way in which he should be threatened?—Yes; I remember one instance in particular of that description, in which a man requested that a certain description of violence should be offered him. He said that he was to be carried out and shaken well, but that care should be taken not to hurt him.

8519. In many instances they broke windows and did other damage, did they not, to show that they were really threatened?—They did.

8520. In many instances were not those people who went by night to the voters composed of the sons and relatives of the voters themselves?—Yes.

8521. This was done, was it not, in order that the voter might have an excuse with the landlord for voting against him?—Yes, certainly. There were some instances in which it was real, but very few.

8522. Besides this direct intimidation, were not the military and the police used very much in taking in the voters before the election day in the

the county of Sligo?—They were; and I think that it had a very bad effect.

8523. Have you got the Parliamentary Return upon that subject?—Yes.

8524. Will you look at page 15 of that Return, and do you see there a letter from a magistrate in that county?—Yes.

8525. Will you read it?—It is dated Holly Brook, 18th November 1868. "Sir, I have to request that you will give me an escort to protect voters proceeding from Ballinafad to Sligo, on the morning of Monday, November 23rd. I consider that 20 men will be sufficient, and that it will not be necessary for them to go further than Collooney, unless any unexpected opposition should be offered. I have also applied for an escort of the Royal Irish Constabulary."

8526. What paper is that?—It is a paper which was ordered by the House of Commons to be prepared the 3rd of May 1869.

8527. Is the letter which you have read signed by a magistrate of the county?—Yes.

8528. It is dated the 18th of November 1868, and the election for the county of Sligo was on the 30th, was it not?—Yes.

8529. So that more than 10 days before the election the landlords in that county commenced to take proceedings for getting in the voters?—Yes.

8530. I believe you were yourself a witness to the proceedings of some of those military escorts?—Yes, I was.

8531. Upon the 24th, that is to say six days before the polling day, did you meet the escort about which this correspondence is chiefly concerned coming out of the town of Ballymote?—Yes.

8532. You met it accidentally, did you not?—Yes.

8533. Will you look at page 13 of the Return; does not it appear from that page that that escort was sent out simply upon the letter of the Conservative candidate, Mr. Cooper?—Yes.

8534. Will you read that letter?—"Markree Castle, 22nd November 1868. Sir,—Major Ormsby Gore's under agent, Mr. Charles Lang, will call on you to-morrow to devise means for getting in the voters from the more distant part of the estate; they will require protection, and I trust you will be good enough to grant him an escort.—*Edward Henry Cooper.*"

8535. That was the letter upon which the escort was sent out?—Yes.

8536. Was there a magistrate along with it?—No.

8537. Was there no one with the police except the under agent?—No one, except the under agent, Mr. Charles Lang, and he sat on the same car with the sub-inspector.

8538. When you met this escort accidentally, did you return along with them to see what they were going to do?—Yes.

8539. What was it that they did?—They drove to the house of the first voter which met them on the way; the sub-agent first got off the car, and went towards the house; I entered with him, and he asked was the voter in; the voter's wife said, "No"; he then said that he came to take him to the Conservative houses, that is to say, the houses that he had prepared for the voters in Ballymote. However, he was refused.

8540. Then they went to the houses of all the voters on that property, did they not, and asked any of them that were willing to come along with them?—They did all, with the exception of two, I think.

8541. Did they get any voters to go with them?—Not one, they all refused.

8542. How far did those voters live from the town of Ballymote?—About six miles, at least a portion of them.

8543. And six days before the polling day this escort went out to those people who lived so short a distance from Ballymote?—Yes.

8544. Are you aware whether those voters who were thus visited had any idea whatsoever that the escort was coming out, or that they were to be taken to Ballymote?—I know that they had not, for they told me so distinctly.

8545. It appears that they all refused to go with the escort?—Yes; I should say that I did not ask all, but I asked most of them, did they ask for protection, and they all told me distinctly that they did not; and they told me also that they did not know that the escort was coming.

8546. Did any of them go with the escort?—Not one; it is mentioned in this table that one voter went under their protection, but that voter did not belong to Mr. Gore's property; he was a Protestant and a Conservative, living on another property; and I should add that I met that man some two or three days afterwards with two friends canvassing the Catholic and Liberal voters over another estate, clearly showing that he did not go with the troops from any fear, else he would not have returned and have gone out canvassing.

8547. Did not you meet another escort on the 27th of November?—I did.

8548. And this escort marched a number of voters into Ballymote, did it not?—Yes.

8549. Did it go the direct road to Ballymote?—No, it went by a circuitous route, double as long as the direct road.

8550. And they marched the voters round that long distance several days before the polling?—Yes.

8551. What was the general opinion as to the object of that marching them such a long distance around?—That it was done for display, and the people were convinced that it was to indicate that Government intimidation was combining with landlord intimidation, and that the one was made use of to supplement the other, and hence a great deal of evil accrued. The people believed that the Government were so far supplementing the landlord intimidation, and they came to the conclusion then that their experience was correct in imagining that the Government was, as a matter of course, against them, and labouring in the interest of the landlords and the gentry.

8552. Is not that the feeling which leads very much in Ireland to revolutionary proceedings?—I believe so.

8553. The people there generally regard the Government as their enemy, do they not?—Yes, if we except the Government now holding office.

8554. Does not the employment of the military and civil force of the country in this way tend very much to strengthen this opinion?—Certainly, and it did do so.

8555. You have got an abstract of this return; how many escorts were sent out during that election?—Twenty-four were sent out.

8556. And seven of those, I believe, were without magistrates?—Yes.

8557. Were five sent out without being on sworn information?—Yes.

Rev. *J. McDermot.*

15 June 1869.

8558. Was one called for by telegraphic message?—Yes; but it was refused.

8559. How many were proved to have gone out on sworn information?—I think there were 14.

8560. And is it the case that 14 cannot be shown to have escorted any voter at all?—Yes.

8561. And three were stated to have escorted none?—Yes.

8562. One was sent out to escort 80 or 100; with what result?—Yes; one escort which was sent out to carry in or to protect 80 or 100 voters, carried in fact only three; there were 20 constabulary, 20 infantry, and 30 cavalry, sent out for that number, and they only carried in three in all.

8563. Will you look at page 9 of that Return; do you see there the information sworn by a man called William Magee?—Yes.

8564. Are you acquainted with any circumstances connected with the escort which was sent out upon that information of William Magee?—I am; that escort went out on the 27th; it is here given as having gone out on the 29th; it was sworn on the 27th, and I know it went out on the 27th, on Friday; it went out after dark, about two hours at least after dark; there was no magistrate with the escort; there was no result; all the voters refused to be protected by them, or to be carried in by them. The place where the escort went was only three miles or so from the polling town, Sligo.

8565. The police were sent out by night to bring in voters that were living within three miles of the town of Sligo on the 27th, the election being on the 30th?—Yes; and without any magistrate.

8566. Most of those escorts that were sent out on sworn informations were sent out on informations not coming from the voters themselves but from others?—That is so; there were only two cases in which the application was made from the voter himself.

8567. By what class of persons were the informations made?—Generally by sub-agents and agents.

8568. It appears in page 8 of this Return, that there is an information from a person named Lockhart of Killery; he was steward to Mr. Griffith, a gentleman of that county?—Yes, he swears.

8569. He states in this information that, by the direction of Mr. Griffith, he went to the electors to solicit their support in favour of the two Conservative candidates; the electors promised to vote as he asked them, and he swears that they were afraid to come in, and called for an escort?—Yes.

8570. Are you not aware that Mr. Griffith, although politically opposed to Mr. O'Conor, is a personal friend of his?—I am aware of that.

8571. Have you seen a letter which Mr. Griffith wrote to Mr. O'Conor, in which he states that he never asked his tenants for more than one vote?—I have; he distinctly states that he only asked for one vote.

8572. And this information by his steward to the contrary was sworn, was it not, before the conducting agent of the Conservative candidate?—Yes.

8573. Was not it the general belief that all those informations were considered as a mere matter of form, and were drawn up at the agent's office?—Yes; all of them, so it was believed.

8574. You have stated before, that the effect of sending out the military and the police was very bad upon the country; did not the voters believe, in most instances, that if they were, what they generally called, "taken by the police," they would be obliged to go with them?—Yes; because they said that they thought that they could not resist the combined influence of the Government and the landlord intimidation.

8575. Were those voters that were thus escorted into the town before the election by the police and the military, locked up in the houses that were prepared for them until the day of the election?—They were; and beyond this I remember a remarkable instance in which one of them went to the poll, and said, "I was prevented from going to church on Sunday, and I consider this is a great crime, and in consequence of that, to make atonement for this crime, I will give my vote to the Liberal candidate, otherwise I would have given it to the Conservatives."

8576. I suppose that the priests, yourself among the number, addressed the people frequently in their chapels, upon the subject of the election?—Yes.

8577. Do you approve of this as a general rule?—As a general rule I do not; but under the circumstances of the last election, I think it was quite permissible, because I believe that the issue of the election was not the disendowment or the disestablishment of the Church, nor yet tenant right, but was peace or rebellion.

8578. You believe that the only means of diverting the people from Fenianism and revolutionary ideas was to call their attention to constitutional action?—Yes, I do.

8579. Do you think that if the priests refused to take an interest in political subjects, the result would be a great spread of Fenian projects and ideas?—I do, decidedly.

8580. When you addressed the people in your chapels, was not the purport of your address, that the people should vote in accordance with their convictions, and yield to no pressure of any sort?—Certainly, I always told them to vote according to their convictions, and that if their principles led them to prefer the Conservatives they should vote for them.

8581. You never, either directly or indirectly, nor did you hear that any clergyman either directly or indirectly, attempted to make a Conservative, for instance, vote for a Liberal?—Never; and I must say, that some of the Conservatives complimented me on never having done so in any single instance; and I have not heard of any priest in the county of Sligo having done otherwise.

8582. Did not the priests in your district offer, in the first instance, not to interfere in any way in the election if the landlords would state that their tenants might vote according to their convictions?—I wrote in my own name, and the name of the priests of the locality, to most of the influential landlords of that district, saying that, according to the British law, the franchise should be free, and also that we should remember the principle to do to others as we should wish to be done by, and I asked them, upon these grounds, to leave the tenants free, and I would give them any guarantee they wished, that I and my brother priests would not interfere, directly or indirectly, with reference to the then coming election; but one replied, and the burden of his reply was an attack upon me for having canvassed, as he said, with the Liberal candidate over even his property.

8583. Do you think that, as a general rule, the Catholic priests would be very glad if no reason existed for their appearing at all at the elections?—I am sure of it.

8584. In many instances at present, are they not forced into it by the feeling of the people?—Certainly, and at the last election there were various instances of that.

8585. Do you think that the priest's influence is merely spiritual, or is it due to his representing the opinions of the mass of the people in his parish?—Chiefly in the latter sense; his spiritual influence is nothing, or scarcely anything, with reference to election matters.

8586. If a priest went counter to the general prevailing ideas of his parishioners, do you think that he would have any very great influence?—None whatsoever of an effective character.

8587. Have there not been in Ireland on many occasions instances of that?—Yes; I can give several instances.

8588. Have there been instances in which the priest went counter to the popular feeling, and had no influence at all?—Yes, I have known cases in which they have had no influence. There was one instance at the last general election where a priest went against the people, and the people were so indignant with him that they punished him severely for it.

8589. When you say "punished," will you explain what you mean?—They refused to give him his ordinary dues.

8590. And in many instances are you perfectly aware that the priests were actually forced on by popular pressure to take part in elections?—Certainly, in various instances.

8591. For the reasons that you have stated, do you believe really that at present such a thing as freedom of election exists in Ireland?—I do not believe it does; I believe that there is no such thing, really speaking, as free voting.

8592. What remedy would you propose for that?—The only remedy that I know of that would be effective is the ballot, but then the ballot would be worse than useless unless strict secresy were observed.

8593. Do you think that, if the ballot were established, the power of the priests, as priests, would thereby be increased?—No, on the contrary. The power of the priest as a counsellor might remain, but the great power by which landlord intimidation is neutralised, namely, the influence of public, would cease; and that is really the influence by which landlord intimidation is neutralised. It is the fear of the people, not of the priest. I remember an instance in which I advised a man myself, privately, not to vote for the Liberal candidate, because under the circumstances I did not think he was bound to do so; still he did both, simply from the fear of the public. Again and again men refused to vote for the Liberal candidate in my own presence, and afterwards they voted for him because the public influence was brought to bear upon them.

8594. And it is more the fear of the non-electors, that is the counteracting influence to the landlord's power, than the actual advice of the priests?—Not a doubt of it.

8595. It has been stated in this Committee by some witnesses that, if the ballot were established, the priest could discover how a man voted, although all other persons could not; do you agree with that opinion?—Decidedly not.

8596. Do you think that if a man voted contrary to the views which the priest took, he would afterwards tell the priest how he voted?—He would not; I know one instance where a man promised Mr. O'Conor to vote for him in my presence and in the presence of another, and afterwards, when he thought well to change his mind, he denied it. When I drew his attention to his promise, he denied having made the promise at all. In several instances, also, persons volunteered to vote for Mr. O'Conor in private, but refused in public to do so, as they intended, I believe, to break their promise.

8597. It has been stated that, through the confessional, the priest would discover how a man voted; I ask you, as a clergyman of considerable experience, could the confessional be used for such a purpose?—Certainly not; I never knew an instance in which the confessional was used for such a purpose, and I hope that I never shall. It would be contrary to the spirit of the Church.

8598. Would it not be contrary to the principles of the Church for the priest to put questions of this description in the confessional?—Yes.

8599. If the priest were to put such a question would not the penitent have a perfect right to refuse to answer it?—Yes; and if I were the penitent I would refuse to answer it.

8600. Supposing, however, that a person in the confessional did voluntarily tell the priest how he voted, could this knowledge be afterwards made any use of by the clergyman?—No; it would be considered one of the greatest crimes that any Catholic priest could commit.

8601. Would it be the most grievous crime that a priest could commit in the eyes of the Church to divulge or make any use of what was told him in the confessional?—It would be a most grievous crime.

8602. Therefore you distinctly state, that if the ballot were established, the confessional could not in any way be used as a means of discovering how a man voted under the ballot?—Certainly it would not.

8603. If the ballot were established, this dread that the voters have of the non-electors would, of course, be done away with, would it not?—Clearly so.

8604. A system has been proposed to this Committee of having voting by voting papers, instead of the present system; to what do you think that would lead?—It would lead to the increase of the landlord's power; it would leave the tenant quite the victim of the landlord; there is no doubt about it.

8605. And the people then would begin to give up all idea of taking part at all in elections?—Yes, and they would turn at once to revolutionary projects, I am convinced.

8606. The voting paper system exists at present with respect to the election of Poor Law guardians; are you aware whether or not it is very often abused at those elections?—Very often; I never knew an instance in which there was a contest in which it was not abused, the papers being falsified and tampered with invariably.

8607. Is the influence of the landlord and the priest also brought to bear in signing those papers?—Yes.

8608. So that you do not believe, that by establishing voting papers, those influences would be done away with?—I think not; if they were

Rev. J. McDermot.

15 June 1869.

signed in open court, that would only be multiplying difficulties; if they were signed before a magistrate, then the agent and the landlord being generally magistrates, could have taken them signed before themselves, and if they were signed before the stipendiary magistrates it would be often still worse, because the stipendiary magistrate is frequently very Conservative, and indicates his Conservative principles just as much as any other man. The contrary is true if he were a Liberal, of course.

8609. Do you think that the only effectual means of promoting that which does not exist at present, namely, freedom of election, would be by the establishment of the ballot?—Yes, if due secrecy were observed.

8610. How do you mean if due secrecy were observed?—If it were so conducted as that no tenant could make known to the priest or to the landlord how he voted, except by his word only, that is to say, if he could not give any other proof except that of his word how he voted.

8611. Sir *Frederick Heygate.*] I think you said that you took great interest in the elections; how far did you carry that interest; did you attend personally on the hustings or at the polling booth?—Yes.

8612. In what capacity did you attend in the polling booth?—Merely as a friend; I was in and out of the booth.

8613. Is it the case that anyone is allowed to be in the polling booth except in an official capacity?—Yes, certainly; I asked that question distinctly of the sub-sheriff, and he said that I had a perfect right to be there as well as every other man; it is open to the public he told me.

8614. Then did you stand in the polling booth during the whole time the polling was going on, or the greater part of the time?—No, not in the polling booth, I was alternately in the street and in the booth.

8615. But you saw the electors coming up to the poll and giving their votes?—Yes.

8616. You stated just now, I think, that the Liberal and the Catholic principles were always the same; is that your opinion?—No, I did not say that, I think, I said Liberal and Catholic were generally so; but I did not mean to say that they were always the same, because some Catholics are Conservative.

8617. Liberal and Catholic opinions have not always been the same?—Not at all; they are not identified.

8618. But on the last election they were so, I presume?—Yes; I said that my chief reason for feeling an interest in the last election was, because I felt that the result would be rebellion if the Conservatives were generally victorious, and I do think so still; and I stated that publicly after the announcement of the poll; when we found that we were victorious I spoke to the people, and told them that it was for this reason chiefly we should congratulate ourselves, that it would put an end to rebellion.

8619. I understood you to say that unless the disendowment and disestablishment of the Church and the tenant right were carried, it would be a question between peace and war?—No, I did not say that; I said that the issue was not the disendowment, nor was the issue the tenant right, but the issue of the general election was, in my opinion, peace or rebellion.

8620. Peace or rebellion would depend upon whether those questions were carried, would it it not?—Yes; I said that the real issue in my mind was this.

8621. Would you be kind enough to explain what you mean by tenant right?—It is so important a question that I should not like to give an opinion without deep consideration.

8622. Is it your belief yourself, that the Government intended to intimidate the voters by those escorts, and by the employment of the constabulary and the soldiers?—I believe that the Conservative candidates and the Conservatives of the county did so intend. Whether the Government or the executive really so intended or not I cannot judge, but I believe that such was the intention of those who sent out the force.

8623. Do you attribute to the Government the intention to intimidate the voters by the employment of the military at the last election?—I attribute that to the officials of the Government in Sligo, certainly, without any doubt whatever; I attribute it to the stipendiary magistrate and to the high sheriff, as far as I can judge.

8624. Were there several stipendiary magistrates employed in the election for the county?—Yes; but one made himself more remarkable so than the others.

8625. Then you attribute to one stipendiary magistrate in particular, or perhaps more than all, an intention to strain the powers of the law with a view to the intimidation of the voters?—Yes; as far as I can judge. I have no means of judging, except merely from the instances that were put before me. I do think it scarcely fair for me to give an opinion, inasmuch as I was not behind the curtain and could not know what influenced them. All I speak about is the effect; and the effect would certainly lead anyone to suppose that the escort was sent out in an hostile spirit.

8626. Are you speaking now of one particular stipendiary magistrate?—Yes, I think that one stipendiary magistrate was much more hostile to the Liberal candidates in Sligo. I do not speak now merely of the county, but of both the county and the borough elections. I think there was one more hostile to us than the rest; at least, such is the general impression.

8627. Did he exceed the powers of his office in any way, to your knowledge?—That is a matter of opinion, and I do not like to express an opinion; I do not like to be invidious, and to mention names unless it be necessary.

8628. Have you had a long experience of the county of Sligo?—I have had a long experience of it, though I have been only for the last four years a priest in Sligo. Before that I had been away; some 11 years since I was for one year a priest in the county, then I left, and returned four years since.

8629. Did you take any part in any previous contested election?—No, because I was not a priest at any former election.

8630. There had been no contested election in the county of Sligo before, I believe?—No, not for a long time. I was but a boy when there was a contested election before.

8631. You stated that escorts were sent out without being accompanied by a magistrate; do you believe that those escorts were sent out without a previous application to the Government having been made by a magistrate?—They were sent out without sworn information. I do not think that any were sent out without a previous

vious application of some sort or other, verbal or written, sworn or otherwise.

8632. But is it not the case, that in every instance, where troops are ordered to be employed, there is always a previous requisition sent by a magistrate to the Government?—To the high sheriff; all I know is, that in various instances, I see from this report, they were not sent out upon sworn information; some sort of application, of course, was made.

8633. *Chairman.*] When did you accompany the first escort that you spoke of?—The first escort that I met was on the 24th.

8634. I understood you to say that the sub-agent visited each house on the estate in question?—Yes.

8635. Was he on those visits accompanied by the troops?—The troops came into the second house, and some one or two of the police entered with us, and there was an improper observation, at least we considered it so, made by one of those police. The gentleman who accompanied me complained of it to the officer, in the presence of the policeman; the officer then prohibited the men entering in future.

8636. Do you know who was the person who ordered this escort to go out?—Major Percy, a resident magistrate.

8637. On the application of the candidate's friends?—Of the candidate himself, Colonel Cooper.

8638. He had no power, had he, of sending out this escort, without direct application to the Irish Government?—Yes, he had.

8639. You stated, I think, that they brought in no voters at all?—Except one, and he was not of that locality.

8640. In your opinion, what was the object of this escort?—In my opinion, it was to carry away the people, and that was the universal opinion that they were sent out for the purpose of supplementing landlord intimidation; they found that landlord intimidation could not cope with the popular feeling, and then to supplement landlord power they sent out the troops; at least, that was the universal opinion.

8641. You think, then, that it was desired to give the voters the impression that the escort were coming to take them to the poll?—Decidedly, for some of them told me so; they said they would not go if they could help it.

8642. This system failed, did it not?—Entirely.

8643. To what do you attribute its failure?—Because the voters were determined not to go with them. We persuaded them that they were not bound to go, and that no one could force them; that the habeas corpus was not suspended for them. The result was that they refused to go, because in the first place they found that they were not bound to go, and in the second place their feelings went with the Liberal candidate; and again, I am sure that the popular voice had an influence upon them. I think these are the chief reasons.

8644. Did those voters stay away altogether, or did they vote after all?—They all voted for the Liberal candidate; they gave him one vote.

8645. Do you think that it was your presence that helped to cause this movement to fail?—I am sure it was not.

8646. The voters would equally have resisted the pressure if you had been absent?—Certainly, if they knew that they had the power to remain at home.

8647. Did you tell them that they had the power?—Yes, always; and that was my chief reason for going.

8648. Then that may have had some effect in keeping them at home?—Yes; I thought that your Lordship, in the former question, referred to my influence as effecting this.

8649. Was it the fact that your being present, and telling a man that he was not obliged to go, and that the troops could not take him, may have had some effect?—I think that my telling him so had an effect, no doubt; but I do not think that my presence had any other effect upon him.

8650. You stated that there were some cases of mob intimidation, but you think that in all cases it was exercised upon voters who wished to vote for the Liberals, but who were under the fear of landlord coercion?—I did not say in all cases, but generally I think so.

8651. Do you not rather assume that every Catholic would be naturally a Liberal voter?—As a matter of fact, every Catholic peasant is, because in Ireland Conservatism and Orangeism are identified in the mind of the lower classes, and I never knew a Catholic peasant admitting that he was a Tory.

8652. Do you not think that, supposing a Roman Catholic voter was conscientiously a Tory, still he would be exposed to mob intimidation?—I do not think he would, because again and again I have told any such to vote with the Conservatives, and I never heard that any one questioned my right to announce this, or disputed the propriety of this act of mine.

8653. At any rate, there would be a very small chance in this county of a Roman Catholic voter who stated that he was a Tory being believed, would there?—If he stated it on that occasion, and did not indicate by past acts that he was such, he would scarcely be believed.

8654. Mr. *Edward Egerton.*] I think you said that there had been several cases where the populace had visited the houses of different voters?—Yes.

8655. Had many of those visits occurred before there was the application for an escort of troops?—Yes.

8656. Do not you think it is reasonable to suppose that that escort was applied for in order to show the voters that they would have the protection of the soldiers if they chose to vote for the Conservatives?—I do not think so.

8657. You talked about this escort being asked for 10 days before the election; what could have been the object of getting this escort 10 days before the election?—To take them into the houses which the Conservatives had prepared for them.

8658. Do you mean to say that those voters were to be kept there 10 days before the election?—Yes, certainly they were.

8659. Had there been many stormy meetings of the Liberal candidates?—There had been a good many public meetings.

8660. And had threats been used to voters who intended to vote for the Conservatives?—No, none to my knowledge.

8661. Did you yourself visit any of those meetings?—A good many, the greater portion of them.

8662. Did you take any part in them?—Yes; I think I spoke at almost every one of them.

8663. I need hardly ask you were you strongly

Rev. *J. McDermot.*

15 June 1869.

in favour of the Liberal candidate?—Certainly; but I never said anything unconstitutional, nor did I hear any one make use of such.

8664. Did you tell them what you told us to-day, that peace or rebellion was the issue of that election?—I did not; but I told them again and again, that I believed that the spirit of England had changed very much, because that Fenianism had demonstrated to the English people that we had really grievances, and that the English people were sufficiently honest, when once they knew of them, to wish to give us remedies and to redress our grievances.

8665. Had there been any case of Fenianism in the county of Sligo?—There were a good many sympathisers with Fenianism.

8666. Were there any trials? Yes; some men were taken up.

8667. Were they tried at the Sligo assizes?—I do not know; some of them were brought off to Dublin; a good many were taken up for Fenianism; I remember being at the trials myself, of people who were accused of Fenianism, and the cases were remanded, and the prisoners sent off to gaol, a good many of them.

8668. Have you a congregation?—I have two churches in my parish.

8669. Are they in country districts or in town?—I was then in a country district.

8670. Have you changed your district since the election?—Yes.

8671. How is that done in the Roman Catholic Church?—By the Bishop.

8672. Did he assign any reason for changing you?—No; he changed me, I presume, because he was interested in me, and he thought I would be better off.

8673. Was the change made an advantage to you?—Yes.

8674. Were you consulted as to the way in which the different members of your flock should give their votes?—Yes, very often.

8675. Mr. *Raikes.*] I think you told us just now, that in Ireland Liberalism is considered to be identical with Roman Catholicism very much?—I said that Roman Catholicism was identified with true Liberalism.

8676. Are you acquainted with the case of an Irish county at the last election, where there was a Liberal candidate who had been a great admirer and friend of General Garibaldi's?—I remember an instance of that, but I am not acquainted with that county.

8677. He did not succeed, I believe?—He did not.

8678. He was not supported by the priests, was he?—No, he was not, I believe; I only know that from the papers.

8679. Consequently he was obliged to withdraw?—Yes; if I remember right, a Conservative was not selected, but another Liberal was selected.

8680. But this gentleman was obnoxious to the priests, because he was a friend of Garibaldi's?—He was not obnoxious merely to the priests, but he was obnoxious to the whole body of the people.

8681. In some parts of Ireland Roman Catholicism is not quite considered identical with Liberalism, I believe?—It is always identical with true Liberalism, but of course, if a person makes himself personally objectionable, that person would not be selected; a Catholic, therefore, will not always support the Liberal candidate, but he will generally support true Liberalism.

8682. This gentleman was no worse a Liberal because he happened to be a friend of Garibaldi's?—So, you may think, but still there were personal objections to him; but you can understand very well that there is a difference between Liberalism and a Liberal person; Liberalism is an abstract term; the other is concrete, and that makes all the difference; there might be other reasons for not wishing to have him besides his being a Liberal; it might be in spite of his Liberalism that he was rejected.

8683. The Liberalism of Ireland, therefore, is of a special character, and has more reference to special matters?—No, I do not think it is so; they would object to a Liberal perhaps, because they had some personal objections to him.

8684. The gentleman to whom I refer was a gentleman who had been a Liberal candidate?—Yes, I know him; you refer to Mr. Jones.

8685. Mr. *James.*] You stated just now, that under no circumstances would a priest divulge the way a man had voted if he learnt it by means of the confessional; does that proceed from any rule laid down for your guidance, or would it be a matter for the discretion of the priest?—It is a rule laid down for our guidance; it is taught us in all our theology, that it would be a sin against the natural, Divine, and ecclesiastical law, to divulge a secret known from the confessional.

8686. But with reference to obtaining a knowledge of the secret, does that result from your own discretion, or from any rule that is laid down for your guidance?—It would be considered wrong to ask a person how he voted, simply because his voting for this man, or that man, may not at all be a crime, and you are only justified in the confessional in speaking about sins.

8687. That is to say, his voting may not be a crime, but you have just told us that the priests were sometimes consulted as to the way a man should vote; supposing a man promised to vote for one candidate, and you had reason to believe he had broken his promise and voted for another, and that he had told a falsehood about his voting, would it not be your duty to inquire whether he had told that falsehood?—It would be my duty perhaps to inquire whether he had told a lie, but no more, and I must say that the direct duty is the penitent's, not the priest's; it is the penitent's duty to tell what crimes he has been guilty of, and it is not the direct duty at all of the priest to inquire.

8688. Is it not your duty, if you suspect that a man tells a falsehood, to inquire from him whether he has done so?—I should say it would be my duty, strictly speaking, to ask him, did he tell a lie, but it certainly would not be my duty to ask him what was the lie about.

8689. But you and your penitent would know to what you were referring?—Certainly not; it would not necessarily follow at all that the confessor would know, if he knew that the penetent had told a lie, that would suffice for the confessions.

8690. Am I to take it as the result of your evidence, that if there were such secret voting, the Roman Catholic priesthood would not obtain a knowledge of how a person had voted?—As a rule I am sure they would not; I am sure that if any priest were to teach openly or publicly that he considered it necessary to put such questions,

questions, the Bishop would condemn him; and I asked the Bishop whether such was the case, and he said he would do so. I then put this question to him, "If you knew a priest publicly declare that it was necessary to put those questions would you censure him"? and he said, he would.

8691. Of your own knowledge, have you known priests address their flocks from the altar on Sunday previous to an election, in relation to the coming election?—Yes.

8692. In your experience, are they words always of counsel only or words somewhat stronger, words of denunciation if they do not vote in a particular way?—Words of counsel and not of denunciation.

8693. And no epithets applied or strong words used?—I wish you would tell me what description of epithets you mean; if you mean to ask, it would be said to them that they were traitors to their country by voting against their honest principles; that expression might be made use of, but no spiritual threats, certainly.

8694. Would there be no advice from the priest that if they voted in one way they would be in spiritual danger?—No.

8695. Nothing of that kind?—No; not to my knowledge during the election, or during the canvass, or since Mr. O'Conor declared his intention to stand for the county.

8696. Not only that, but in your general experience has that been so?—Yes.

8697. Mr. *William Henry Smith.*] Meetings are frequently held after church in the churchyards, are they not, by the candidates?—On a very few occasions there were; but in the cases in which they were not, it was not because it was supposed that there would be anything wrong in holding them in the churchyard.

8698. But it is the fact that meetings are held in the churchyard after mass, and the candidates themselves attend, and probably the priests take part in the meeting?—Yes.

8699. It is usual also for this meeting to take place between the day of nomination and the polling day, is it not?—No, generally before; I never knew an instance in which it was between the two; as a rule it is before the nomination day.

8700. There is always a Sunday between the nomination day and the polling day, is there not, if possible?—Yes; there is very often.

8701. And that is held to be advantageous to the candidates?—As a general rule, I think they would not hold a meeting on such a day as that.

8702. The meetings are held before?—Yes.

8703. Still the fact is, that there is usually a Sunday intervening between the day of the nomination and the polling day?—Yes; there is, generally speaking.

8704. And on that Sunday, probably, the advice which you speak of is given to the people?—Yes.

8705. Is that the case more immediately before the day of the polling?—Yes; that advice would be given on that day, as well as every other day.

8706. Is it always given on that day?—I would not say that it is always given, but as a matter of fact, I think it is; at least, it was during the last election.

8707. And that advice is not only advice referring to a man's duty to his country, but to a man's duty to his church as well, probably?—On the last occasion, I think, very often such was introduced. They generally said, "Your country and your church."

8708. So that a man who was a good Catholic, would feel it to be his duty to follow the advice which was given to him?—He might consider himself a very good Catholic without.

8709. Mr. *Graves.*] Did you yourself address the congregation in church on Sunday on political subjects?—Yes.

8710. More than once?—Yes, frequently; but I should say that if time permitted it, I would prefer to do it outside, but time did not permit it.

8711. Mr. *Whitbread.*] You have told us of many cases in which you knew that landlords had used threats in order to intimidate the tenants to vote in a certain direction; do you know many cases in which those threats have been carried into execution by the eviction of tenants, or the doubling of the rent, or anything of that sort?—There are some few instances, but as a general rule they do not pass beyond threats.

8712. That was intimidation on the side of the landlords only?—Yes, merely.

8713. You have spoken of intimidation of a certain sort that is used upon the other side; a sort of pre-arranged burglary and friendly abduction goes on of the voter, in order to enable him to explain to his landlord why he voted in one direction; do you think it would be unfair to suppose that there are many men who have not very strong political feelings, and who might intimate to their landlords, "Unless you threaten me with an increase of rent or eviction, or send a good strong escort, I shall be obliged to vote for the other side"?—That would be possible, but I do not think it occurred. I think that the ballot would be a preservative against that system, as well as against the other; I do not argue for the ballot, because of landlord intimidation, but I argue for it because I believe it will put an end to all intimidation; but with reference to the result, I do not think that it would increase at all the Liberal ranks.

8714. I refer not to the remedy, but to the fact whether you do not think it is quite possible and probable that some man may go to the one side and say, "Intimidate me or else I shall be obliged to vote on the other side"?—I do not think generally at all that it was the fact, it is possible, but I judge from the feeling of the people that it could not have been so at the last election.

8715. *The O'Conor Don.*] Do not you think that very often the tenants, when the agent or landlord comes to their houses, do tell him that they are afraid to vote in accordance with his will on account of the people?—I am sure of it.

8716. And this may have had an effect upon the minds of the proprietors in desiring to get escorts for them?—Yes, that might be the reason, but I spoke about the effect it had upon the people; I did not speak about what might have been the true cause. That might have been the true cause or might not, but the effect which it had upon the people was the contrary. If the landlords, however, thought otherwise, they would, I think, have consented to my proposition that we, priests and landlords, should both observe neutrality.

8717. The people believe that the troops were sent out to coerce them?—Yes, that the troops were sent out to support landlord intimidation.

8718. But it is quite possible that the landlords might have sent them out believing these statements, which were very generally made by the tenants, that they were afraid to vote according

Rev. J. McDermot.

15 June 1869.

to the landlord's wish?—Yes, I believe the tenants told the landlord that they were afraid to vote according to his wishes, and that they told the people the same, in fact they were serfs in the case.

8719. You stated that those threats of eviction and other threats used by landlords were not very generally carried into effect after the election; as a rule, do not you believe that the landlords in Sligo are popular and good landlords?—Yes, as landlords as a general rule they are good, with the exception of a few. Of course, there are some exceptions, but as a general rule they are good landlords.

8720. And you believe that those threats which they used before the election, they do not generally carry out after the election is over?—They did not on the last occasion, at least.

8721. You do not come here, therefore, to make any charge against the landlords of Sligo as to acts which they committed after the election?—No, I wish to attack a system, and certainly not individuals.

8722. Sir *Frederick Heygate.*] Was any complaint ever sent to the authorities at Dublin Castle against that resident magistrate that you spoke of?—I do not know, but I know that the people were very much incensed against him for some acts, and I know that he was censured publicly at a meeting by one of the speakers.

8723. Is it well known who you refer to in the whole county of Sligo?—I do not know; I hope not, however.

Lieutenant Colonel ROBERT RICHARD TORRENS, a Member of the House; Examined.

Lieut.-Col. R. R. Torrens, M.P.

8724. *Chairman.*] You are a Member for Cambridge, are you not?—Yes.

8725. Have you had any experience of political affairs in Australia?—Yes, I was a nominee member of the Legislative Assembly in South Australia, prior to the introduction of the constitution in that country, and I held the office of treasurer there, in virtue of which I had a seat in the Legislature, and in the Executive Council.

8726. Have you seen much of the elections there?—Yes. On the introduction of the new constitution in January 1856, I lost my office, as a matter of course; a responsible Government being introduced, and I then became a candidate for the representation of the city of Adelaide. I was elected on that occasion, and the ballot was then in operation. I had myself, as a nominee member of the Legislature, used all the powers that I possessed to oppose the introduction of the ballot. I entirely disapproved of it mainly upon the grounds upon which it is opposed by Mr. John Stuart Mill, and was opposed also by the late Lord Palmerston.

8727. But had any election then taken place in South Australia under the open system of voting?—Yes.

8728. What kind of elections?—They were, I think, exactly corresponding with the general elections at present in this country. We had there bribery, and a great deal of rioting, and broken heads, and broken panes of glass, and of smashing windows; exactly the same thing that goes on in this country, though, perhaps, more aggravated frequently than it is in England. There is a great deal of the Irish element in the rowing at elections there.

8729. But prior to the introduction of the new constitution, what was the body which was elected?—It was a mixed council, consisting of nominees of the crown, and elected members. The country was divided into electoral districts, and the nominee members and the elected members sat in the same council. After the introduction of the new constitution, nominees ceased altogether, both for the Upper Chamber and for the Lower Chamber, and the elective system was adopted in its integrity under the ballot in both cases.

8730. Under the old system elections were conducted there very much as they are here, were they not, with a good deal of riot and confusion?—Yes, I recollect a great deal of rioting in the city of Adelaide, broken heads, and men knocked down, and an immense amount of violence, houses half-wrecked, and a good deal of bribery also.

8731. What was the franchise before the new constitution?—I cannot exactly call to mind now what the franchise was, it is universal suffrage under the new constitution.

8732. Sir *George Grey.*] Was it a high qualification before?—No, it was not high.

8733. *Chairman.*] Were there any other corrupt practices, besides rioting, prevalent at the old elections?—I have reason to believe so. Several gentlemen who had contested elections on those occasions gave me statements of what they had to pay for the cost of their elections, and it was perfectly evident to me that the sums which they had to pay could not possibly have been expended legitimately, they must have been expended in treating and in bribery. I recollect one gentleman told me that his expenses came to considerably over 1,000 *l.*, and that was in a very small district. There was no means of legitimately spending one quarter of that money in that small district.

8734. Was it notorious that a certain portion of the electors were open to bribery?—Yes.

8735. Was it notorious also that a great deal of money was spent in treating?—Yes.

8736. What has been the effect of the introduction of the ballot?—In the first instance the rioting has entirely disappeared, the election is conducted with such order and quietness that a stranger passing through the towns while an election is going on would scarcely now be aware that there was anything unusual taking place, everything is so orderly and quiet. Then as regards bribery, I think that has almost disappeared. There was a case of bribery brought forward a short time ago, but it was at once detected; a Mr. Dunn, I think his name was, paid the travelling expenses of some voters, which was contrary to the law and was treated as bribery, and he lost his seat in consequence, but I think that is the only case in which I can call to mind that there was even a suspicion or a rumour of anything of the kind taking place.

8737. How many elections have you seen conducted under the ballot?—I think four or five; I only stood one myself, for I left a political career shortly after I was returned.

8738. Has the ballot diminished the expenses of

of candidates?—Very much indeed; I polled over 3,000 votes on the occasion on which I stood, and I think my expenses were under 200*l.*

8739. Was it a severe contest?—Yes, I headed the poll; at that time the city of Adelaide was all in one electoral division, it has since been divided, I think, into three; so that it was a large constituency. Every person was ambitious of being returned for the capital of the country, so that there was a severe struggle, and that was the amount of my costs, and I do not believe that anyone expended money on my account.

8740. Can you describe to the Committee the process of an election in South Australia, from the nomination to the declaration of the poll?—Yes, I will do so; the electoral roll is made up much as it is in this country, a considerable time before the election, annually, and copies of the roll are posted in public places, such as court-houses, market-houses, and places of that sort, for general inspection. Any person may object to any voter's name that is upon that list, and any person not finding his name upon that list, and believing himself entitled to vote, can make application to get his name put upon it. The list is then finally settled; objections are considered and appeals to be put on are considered. I think it is by the magistrates, I forget now exactly, but I think it is the stipendiary magistrates who carry on that.

8741. The magistrates are all stipendiary magistrates?—Yes, they are all stipendiary magistrates.

8742. Sir *George Grey.*] How long an interval elapses between the issue of the writ and the nomination?—I cannot exactly call to mind. Mr. Dutton has got the Act with him, and he will supply those minute details. I cannot recollect the exact time that is required to elapse between the issuing of the writ and the nomination, but the Act will be put in in evidence. The candidates are not allowed to address the constituents for a space of, I think, two days before the nomination, so as to prevent any rioting or disturbance. It was three days originally, and the period has been shortened. Then the nomination takes place in this way; an elector presents to the returning officer in a public place, the hustings, for instance, the written nomination of the candidate whom he proposes, and another elector seconds it; and a letter is given in from the proposed candidate expressing his willingness to stand at the election, and if there be only as many candidates as there are seats, of course the thing is then and there at an end, and no poll is called for.

8743. When is this nomination?—On the day fixed for the election. There is no addressing the populace by the candidates from the hustings as in this country, and therefore no rioting or disturbance; none of that scene that takes place here is witnessed there. Then, if there be more candidates than there are seats, a poll takes place, and the principal poll-clerk who is in charge of the ballot-box takes his seat in a public booth. There are scrutineers appointed by the several candidates to watch the proceedings on their part. The voter enters this room; it is a public room, and anyone can be present; he gives his name; he then is handed a voting card; the scrutineers then see that he is the man whom he represents himself to be in order to prevent personation, and the candidates generally take care to employ scrutineers or watchers on their behalf; men who know the people well and know by sight most of the voters, and there is a check against personation in that way. The voter having received a voting card goes into a compartment like a sentry-box.

8744. Is this voting card given to him in blank?—It is given to him with the names printed upon it of the several candidates. There has also lately been introduced a little square opposite each name, and the voter has to put a cross in this square opposite the names of the parties for whom he intends to vote. He does that in a sentry-box sort of place, where nobody can see whose names he marks favourably and whose names he omits to mark. He is not allowed to put on the paper anything whatever, except this mark. In some places, I think, in the other colonies, they simply strike a pencil through the names of the candidates whom they do not desire to vote for, but it comes to precisely the same thing in the end. He then folds this card, and comes out and drops it into the ballot-box which is locked. There may be several polling places, and at the termination of the election all the ballot-boxes will be brought together, and those scrutineers then take out the papers and go through them, and tick off the number of votes for each candidate, and the result is publicly declared, and the candidates are elected. That is simply the process. Generally the scrutineers sit up nearly all night to get this thing done quickly, but sometimes in very widely-scattered districts the ballot-boxes do not come in for a day or two, so that there is a little delay about it.

8745. *Chairman.*] By whom are the numbers for each candidate counted, is it by the returning officer or by the scrutineers?—By the returning officer and the scrutineers, who sit up with him and see fair play on the part of the candidates.

8746. By scrutineers, as I understand you, in the interest of the respective candidates?—Yes.

8747. Do they see the cards?—They see the cards, but there is nothing on the card to identify who had put it in; it is impossible to discover; all the cards are alike; there is no means of checking it afterwards, or of discovering in any way who put in any particular card.

8748. What is done in the case of a voter who cannot read?—If he cannot read he cannot vote; if he cannot read the man's name he must lose his vote. I do not see how he can vote.

8749. Would it be contrary to law for him to fill up his card publicly if he wished?—Yes, I think it would.

8750. He would not be allowed to ask the scrutineers to fill it up for him?—I will not speak positively upon that matter, but I think he could not; I think, practically, a man who cannot read print is prevented from voting.

8751. Has any difficulty been found in working this system?—No, I have never heard of any in South Australia. I heard of a case in Tasmania of some attempt to set aside the ballot by an ingenious device, which was as follows: A voter had a card given him which somewhat resembled the voting card which he got from the returning officer, and he dropped this substituted card, which was blank, into the ballot-box, and he took out the card which he had himself received, and gave it to the agent of one of the parties outside, who got the next voter whom he could suborn or bribe to take this card. Of course, the agent put a cross opposite the names which he

Lieut.-Col. *R. R. Torrens*, M.P.

15 June 1869.

wished to be voted for. Then that voter brought out his card, having used the card which was given to the voter, who put in the substituted card; he brought out the one that was given to him, and so this agent outside could keep on a succession of cards which he himself could mark in that way. But it will be evident that that only gave a sort of half security to the party who was supposed to bribe or influence, because it would of course be in the power of the voter to put crosses opposite other names as well upon the same card, and thus all the security that is gained by that to the person bribing, or using improper influence is, that the voter must either vote as he is paid to vote, or influenced to vote, or not vote at all; it would always be in the power of the voter to nullify his own vote by scoring off all the names, and of course his vote would be of no use. That, however, was immediately detected; and, I believe, there has been no other instance of the kind; more vigilance is observed.

8752. Was the person who attempted to work this trick detected?—Yes, he was detected; and, I believe, punished.

8753. You are not aware of any cases in which the system has broken down, and the election has been declared void?—No, not of any; certainly not in South Australia. It worked with the greatest smoothness, and ease, and economy, insomuch that I would express the conviction, which was forced upon me, directly contradicting the argument of Mr. John Stuart Mill, in which he says that no person advocates the ballot, or ever has done so for itself, but simply as the lesser of two evils. Now, from practical observation of its working and its effects, I would advocate it for itself, for there is no bribery or intimidation, or coercion of any kind in South Australia. I would advocate it as the best and the most rapid and facile mode of carrying on elections.

8754. Is secrecy practically secured, or do a great number of the voters state openly which way they vote?—Since the ballot has been in operation for some time it is generally known how most persons vote. The fact is, that when that system is in operation for any length of time in a community, it appears that the idea of coercing, or bribing, or influencing, passes out of people's minds altogether. Such a thing has dropped out of mind as a thing impossible, and not to be thought of, and, practically, the people avow their political opinions, and they are always supposed to vote in accordance with them. No person there conceals his political opinions at all; everyone assumes that, and nobody scarcely is ever asked the question, how did you vote, or how did you not vote? Canvassing goes on to some extent, and people express their desire, and even promise to support such and such a candidate, but there is no means whatever of proving whether they ever fulfilled those promises or not.

8755. At first, when there were certain evils to be corrected, was the voting secret?—I think in all cases where secrecy was desirable for the security of the voter.

8756. What are the legitimate expenses which still fall upon the candidates?—They are very trifling; there is a little printing of addresses; an agent or two; but the sum never exceeds 100 *l.*, I should say, except in a very large constituency, such as I stood for at that time. I believe that was one of the most expensive elections that ever occurred there.

8757. Do the candidates pay the expenses of the polling-beaths?—No, the public; they are very trifling, however; there is no erecting of hustings for the candidates to address mobs from, or anything of that kind.

8758. In your opinion, would the same system answer if adopted in the United Kingdom?—My experience in England, of course, has been derived principally from elections at Cambridge: I stood three contested elections at Cambridge, and my firm opinion is, that if the ballot was applied to that place, the effect would be that a much greater number of voters would vote than vote at present. There is an impression there, which I think is founded rather in imagination than in reality, that the greater portion of the halls and colleges, and the University, would exercise injurious dispositions towards voters who voted on the Liberal side. That idea, whether well founded or not, has, in that particular place, a very great effect; I should say there are quite a hundred voters that I meet with who would speak to me in this way: "Sir, I am a Liberal, and would desire to support you, but if I did so, I should endanger my position in connection with the college in some shape or other." Some are licensed to let lodgings to the college men, and others fear to lose their trade and business with their Conservative customers; and others, being college servants in different capacities, or even whose wives are washerwomen in the colleges, have got the impression, which I believe, as I said before, to be quite an exaggerated one, that injurious influences would be exercised against them. However, the practical result is that a very large number of the Liberal voters of that particular borough do not vote now at all, through the fear of being injured in their affairs in consequence of it. I believe that, under the ballot, those people would all vote. No doubt, there have been cases there, as elsewhere, probably of bribery and coercion, which, doubtless, would be put an end to also by the ballot.

8759. Do you think it would be possible in small constituencies, such as still exist in the United Kingdom, to maintain secrecy under this system?—Yes, I think it would; I think that the fact of such a law being in force would give an impulse to public opinion in a very forcible degree to prevent people even making inquiries of voters, with an invidious or improper object, as to how they voted. One can only judge of those matters by practical results, and that has been the result everywhere where the ballot has been fully and honestly brought into operation.

8760. I believe that there was a petition against your return, was there not?—Yes.

8761. Do you wish to make any statement as to the working of the Corrupt Practices Act, derived from your own experience?—Yes; I would venture to submit to the Committee that whereas the great benefit to be derived under that Act is, that it attaches some degree of infamy beyond what ever attached to it before, to corrupt and improper practices at elections; that is brought about by transferring to the judges of the ordinary courts the trial of election petitions, so that the accusation of having been guilty of those practices is a slur upon a man, and a disgrace to a degree that it was not before, and there appears to me to be a want of due consideration for the position of

Members

Members who are accused wrongfully without any grounds whatever. In all cases of a similar description, where the law is more or less of a penal character, there is some protection against frivolous charges being made against men to their great annoyance, and putting them to very heavy expenses, but there is none in this case. For instance, in a criminal charge, and in a great many civil cases also, the complainant has to verify the allegations on oath or by declaration in some sort that he really has reason to believe generally in the truth of the things that he alleges; but, with regard to an election petition, the man who is generally selected is a man of straw, to be a sort of buffer to the real prosecutor, who stands in the background. This man comes forward and signs his name to a stereotyped form, charging the sitting member with all sorts of malpractices, violence, and bribery, and all sorts of things, and he is not bound to swear to that. After an election, when people's feelings are excited in a moment of irritation, men come up to the defeated candidate, and say, "Oh, we will find out something against those fellows; you only hand a hundred pound or two to go through the ceremony of lodging the petition, and we will find out something against them." In that way men are led to lodge petitions and put innocent parties, who of course oppose those kind of practices, to very great expense and a vast amount of annoyance.

8762. Sir *George Grey.*] They do that at the peril of costs, do they not?—Yes, they do it at their own costs. There are certain very small costs to themselves in the first instance, because they will wait until they find that there are some grounds or other to proceed upon before they will engage eminent counsel. But a man put upon his defence upon a charge of that kind, may incur considerable expense in engaging the services of eminent legal men to defend his case, and thus they will throw upon the defendant very heavy expense in many cases.

8763. If the petition is withdrawn, has not the petitioner to pay the whole of the expenses out of the pocket of the defendant?—I have not found it so; there are always expenses as between attorney and client.

8764. I am speaking of a petition which is withdrawn, where the charges are not attempted to be substantiated?—The petition was withdrawn in my case, but the costs as between attorney and client are not included in what the defeated party has to pay, the costs allowed in the court did not cover the entire sum. I am of opinion that if the analogy of the law in civil cases were followed out, and the person accusing a member of those matters, were bound to make oath or affirmation to his belief generally in the truth of those charges, it would not deter petitions being filed where there was any real grounds, but it would be a reasonable protection to the sitting member; and again, in the case of revenue officers and others, there is always a clause for their protection, entitling them to double costs if the judge shall not certify that there was probable cause for the accusation. That would be a very reasonable protection to give to sitting members. Upon the same matter I would observe that where there are more candidates than one, the lodging of 1,000 *l.* is a very inadequate security for the costs; one-half of that, or possibly one-third, or one-fourth of it, would not be anything like sufficient to cover the costs, even if they were awarded by the court; and as in many cases the petitioner is a man of straw, it would be no use trying to recover any costs from that man. It appears to me, speaking with deference, that the judgment which was arrived at upon that matter, that the security should be only 1,000 *l.*, where there are several candidates included in the same petition, is a very hard and erroneous one. The Irish judges, I find, took the opposite view, but they gave way in deference to the opinion of the English judges; I think that it would be well to have that point settled.

8765. *Chairman.*] Would not that rather tend to throw additional obstacles in the way of a petition?—I do not think that it would in the case of a real *bonâ fide* petition.

8766. How does this fall within the object of this Committee's inquiry, namely, freedom and purity of election?—I imagine that the inquiry of the Committee had rather a wider scope and took into consideration the Corrupt Practices Act generally.

8767. Sir *George Grey.*] In South Australia, before the new constitution, what was the nature of the influence that was brought to bear upon voters, and which was lessened or altogether removed by the adoption of the ballot?—Treating was very largely used; drink was supplied with great freedom. There was also a general belief that there was direct bribery in money, and exactly the same kinds of influences as are in effect in operation in this country.

8768. Was intimidation one of those influences?—Yes.

8769. Was it by the landlord against the tenant, or the employer against the workman?—Yes, to some extent. In fact, the colonists took out with them the British constitution as it was when they left, very generally, with its usages and customs; there was nothing un-English in their modes of proceeding when they first commenced.

8770. I think you mentioned that since the adoption of the ballot one member had been unseated for bribery; the bribery consisted in paying the expenses of the voter; in what way was that petition presented and prosecuted; how was it ascertained that the voter whose expenses he had paid voted for him?—I am sorry to say that I am unable to answer that question. I read an account of it in one of the newspapers, but I do not recollect the particulars.

8771. Do you know at all, when a petition is presented, in what way that petition is prosecuted; how is it ascertained that a member has obtained votes unduly, unless it is known for whom the votes are given?—No case of the kind occurred during all the years that I resided in Australia, and, therefore, I have no knowledge upon the matter, nor can I bear in mind the precise law, although I was engaged in carrying it out.

8772. Of how many members does the Lower House in Australia consist?—Thirty-six, and the Upper 12.

8773. Are there many contests?—Yes, very many; the seats are for the most part contested.

8774, In anticipation of a contest are committee-rooms engaged and are committees formed?—In some cases, but not generally. The usage is, to engage public rooms and sometimes rooms in public-houses in the different districts, and the candidates appoint nights at which they will meet the voters in those public rooms and explain their

Lieut.-Col. *R. R. Torrens*, M.P.

15 June 1869.

views, and answer all questions put to them; that is generally the case. There is scarcely any canvassing going on, but public meetings between the candidates and their constituents.

8775. And are resolutions passed at those meetings, either approving or disapproving of the candidates?—Yes.

8776. So that there is a public expression of opinion on the part of the persons present at those meetings for or against the candidates?—Yes, almost identical with what takes place in this country under similar circumstances.

8777. Therefore, it is perfectly well known that the persons who adopt a resolution in favour of a particular candidate will vote for that candidate, unless they are dishonest?—It is assumed that they will.

8778. I understand you to say that secrecy does not practically prevail in South Australia, because it is perfectly well known that the constituents there do not generally conceal their opinions, and that they vote in accordance with those opinons?—Generally, men openly avow their opinions; but there are men who conceal them, who will never as a matter of principle, as violating the spirit of law, say how they voted; they will say, "I will never tell any man how I vote."

8779. Is it not the case that the ballot is a protection to a few only; but that with regard to the great majority it is perfectly well known how they vote?—It is a protection to those who need it; of course the majority of people who take an interest in politics are constantly advocating the different questions of the day, and they express their opinions upon them openly; there is no concealment of political opinion in the country.

8780. I understand you to say that the candidates were not allowed to address the electors for a certain number of days, immediately previous to the nomination?—That is the case.

8781. Therefore, no candidate could be nominated at the last moment; at least, he would have had no opportunity of making his opinions known?—No, he would not; a friend may speak for him, but he must not himself come forward; that is to say, upon the hustings.

8782. Why should not a candidate address a meeting the day before the nomination, as well as three days before; is there any reason for that, connected with the freedom of election?—It was supposed that it would tend to the quietness of the election, and that rioting and excitement, if they existed at all, would be discouraged and put an end to by that system.

8783. I understood you to say that the nomination takes place at a public hustings, as it does here, only that the candidates are not present and do not address the constituents; is that the case?—That is the case; it is a very quiet affair; very few attend; there is no excitement about it.

8784. After the polling is over, is there a public declaration of the state of the poll?—Yes; the mayor or the chief officer, whoever he is, that is appointed to be the returning officer declares that so-and-so is returned.

8785. Would the members be present on that occasion?—No, I have not known them to be present then.

8786. Are there no speeches made then?—No speeches are made then: they have made their speeches before; there are no hustings' addresses after the election, as in this country.

8787. Did I rightly understand you to say that the different electoral divisions were divided into polling districts, and that the poll is taken separately in each district?—The whole colony is thrown into one constituency for electing members for the Upper House. As to the Lower House the country is divided into electoral districts, and where those electoral districts are very wide, it being a thinly peopled country, there are two or three or four polling places established, as the necessity of the case requires, and some miles apart for the convenience of the voters.

8788. Is the result of the poll at each of those districts known, or only the aggregate result of the poll?—I think that the result at each of the polling districts is ultimately known, but the ballot-boxes are all brought together and examined by one scrutineer and one sworn officer, and they are sealed up and conveyed in charge of sworn and trustworthy persons.

8789. *Chairman.*] Are the contents of each box known?—Yes, after examination, the contents of each box are known. It is known what the majority is in each district. I have generally seen it announced while they wait for the out-lying districts; they would say, "Unless the last box or two that comes in are very exceptional, so-and-so will be elected." Therefore, the result of each polling district is known.

8790. Is it the case that each candidate has in each of those polling districts an agent of his own to see that fair play is given him?—He may appoint them, but very frequently they do not. They have perfect reliance upon the good faith of the sworn officers of the Government; some will appoint a good many watchers on their behalf, if they are anxious or uneasy about the election. If they have reason to suppose that any people were going to attempt personation, for instance, they would get a number of faithful men, who would know every man's countenance in the district, to watch that no personation did take place.

8791. That would be the duty, would it not, of the sworn officer of the Government?—It would be his duty, but he would be aided in it.

8792. It might not be to the interest of the candidate to detect personation, if a man voted for him?—But it would be for the interest of the other candidate to detect attempted personation.

8793. How are the agents of those candidates to know to whom they are to object in the interest of their employer, if they do not know for whom the man was going to vote?—They would not, if they did not know how he was going to vote; but if they suspected it, they might put men on in that way.

8794. In point of fact, they do suspect, because they generally pretty well know for whom the man is going to vote in the majority of cases, do they not?—Yes; I think that in the majority of cases it is known how a man is going to vote, but not in all cases; but they might have a suspicion that some candidate was a man who was capable of using improper means to secure his seat, and having a vague suspicion of that kind, the opposing candidate would say, "Now, I will put men to watch that fellow and catch him out in his trick."

8795. Are petitions frequent against the return of members?—No, very unfrequent. I do not recollect hearing of any in South Australia except this of Mr. Dunn.

8796. As I understand, there are but 30 Members

Members in your Lower House?—I think it is either 30 or 36.

8797. Mr. *Hunt.*] Do you know that the agents of candidates have ever objected to persons personating voters?—I cannot call to mind any instance of that kind.

8798. You do not know whether it is the fact that objections have been made?—No; the law allows any person coming in to vote to be questioned as to his identity.

8799. But you know that candidates do appoint agents to prevent personation?—Yes; I have known one or two cases of that kind, but it is not essential.

8800. The fact that they appoint persons to prevent personation pre-supposes a knowledge of how a person is going to vote, does it not?—No; not a knowledge of how that person is going to vote; it pre-supposes a suspicion that the opposing candidate is capable of using improper means to secure his election, and they then put persons to watch to prevent those improper means, but they have no clue whatever to know how any individual is going to vote.

8801. Do you know about the number of the largest-sized constituency in South Australia?—The city of Adelaide when I was returned for it had about, I think, 30,000 inhabitants, and I think there were about 5,000 voters. I polled 3,000 and odd. I forget the exact number.

8802. You have told the Committee what your election cost you; but can you tell me whether at any election at Adelaide, or elsewhere in South Wales, other candidates have spent larger sums than you did on their elections?—As far as I have been able to ascertain, I think I spent more than any person has ever spent upon an election since the introduction of the new constitution; but prior to that time there were larger sums expended, 2,000 *l.* and upwards in the same constituency.

8803. Then, when the ballot was instituted, the expenses of elections immediately diminished?—Yes, immediately to a mere trifle; under 100 *l.*; my expenses were under 200 *l.*

8804. What do the elections generally turn on in South Australia, are they partly questions such as we understand them here, or not?—Not now as we understand them here; originally it was so. There was a field for sort of Whigs and Tories, Liberals and Conservatives originally; but the Conservative party to which I belonged (being an opponent of universal suffrage, and an opponent of the ballot, I was considered a very high Conservative for those two simple measures, although I held myself a Liberal upon every other subject) were entirely defeated by the new constitution. They had no power at all under the universal suffrage, so that, in fact, that position of affairs has greatly disappeared. Then there are another class of questions which come up that will never probably obtain here, questions affecting land and free-trade, and questions of that kind.

8805. Do I understand that now the elections are not divided into two parties as they used to be?—Not exactly. I would rather divide parties in Australia under the universal suffrage into ins and outs, for generally the people in office try to hold it; and all who are not in office, try to put them out, and the result is a change of Ministers, probably every seven months. I think that was the average I took some time ago. There have been some longer administrations since then.

8806. Did that state of things arise simultaneously with the adoption of the ballot?—That state of things arose not from the ballot at all; it arose from responsible government being combined with manhood suffrages and triennial parliaments.

8807. Did it arise simultaneously with the adoption of the ballot?—Yes; it did at the same time, but not from it. The new constitution, introduced the system of responsible Government. Before that we had a permanent executive. I was treasurer for some years, for instance, and I sat as collector of customs before that, as one of the executive officers. Then, by the new constitution, the Parliamentary system of government came in, and I was treasurer in the first administration, although we only had some seven or eight months of it; then I came into office as chief secretary in the next administration but one, and my tenure of office, I think, was only five weeks, but my predecessor's tenure of office was only ten days, and so on. According to the calculation that I made some time ago, under this system of responsible government, coupled with universal suffrage, and triennial parliaments, in those new countries, the average duration of a ministry is seven months.

8808. Is the object of the election to get the one party in and the other out, or do they go upon general political principles?—Popular men are supported with the view to their getting into the ministry, and men will support measures such as reducing the price of crown lands in the colony, and measures of that description, which are popular. Those are the kind of questions that occupy public attention. But of course when once universal suffrage, triennial parliaments, and the ballot are granted, there is nothing more for Liberalism to seek. They have the free church, the ballot, and universal suffrage, and therefore the distinctions of Whig and Tory do not exist.

8809. Could parties range themselves under distinct colours as they do here, denoting any particular shade of opinion?—Yes, but they are constantly changing banners. The man who has been turned out of office on a particular measure will immediately take up that measure when he comes in and carry it.

8810. When that is the case, is he likely to lose the support of his former supporters or not?—I have not observed that it is so; I have seen several cases of the kind that I have just described, but I have not observed that a man has been particularly deserted on that account, more than otherwise. The fact is, that every man is seeking to get office, not so much for the emoluments as for the entrée into the Government House, and the position in society that is given him by being a member of the administration.

8811. Since the ballot has been adopted, have you had a different class of persons elected as representatives to what you had before?—No, I think they are very much the same.

8812. Was the ballot adopted at the same time as universal suffrage?—Yes.

8813. And very much the same class of persons have been elected?—Very much, I think.

8814. Have their political opinions, when elected, been much the same, or have they altered in accordance with the opinions of their constituents?

Lieut.-Col. *R. R. Torrens*, M.P.

15 June 1869.

constituents?—I must say that I think political opinion has been altered; a man cannot be consistent under such a system as that which I have described. A man who will take up, or does really feel strongly, political convictions upon any topic, if in the constant fluctuating tide of opinion his class of opinions are counter to the prevailing ideas of the masses at the hour, he loses all power, he is immediately turned out of office, and he would not be able to procure a seat in the Legislature, and he is left the choice either to recant his political opinions and support the views which he thinks are not the best for the public interest, or to retire from public life.

8815. Could you tell us at all what proportion of the constituency voted under the system of the ballot?—I cannot recollect now, but some time ago there was a very small proportion voted. I do not think it was in consequence of the ballot, but the people were so comfortably off and had no grievances, and they really had very little in the shape of political excitement, and therefore they were careless.

8816. Under the old constitution did the greater part of the constituency vote?—No, I think not a greater proportion than under the new constitution.

8817-18. How many miles on the average have voters to go to vote in South Australia; is there any rule about distance?—No, it would be impossible to make a rule. In the squatting districts a man might have to ride 150 miles to vote, or 200, perhaps.

8819. Did you find that any did ride so far to vote?—I fancy that very few would come so great a distance.

8820. Was the voting confined to those who lived tolerably near the polling places?—Yes; to a great extent that must be the case with a squatting pastoral population. Where there would be a village or a market town, and, of course, the nucleus of the population, they would carry the day if the voters would not take the trouble to come in.

8821. Do you know, with regard to those who lived immediately round the polling places, whether a greater proportion voted than now?—I think probably not more than one-half voted. As I said before, they are so contented with the state of affairs, that they do not take any very earnest interest in politics, except on occasions when some question of interest would come before the public; then there would be excitement, and people would take the trouble to vote. But I know very many cases where a man would say, "I will not lose my half day walking into the town to vote; I will not trouble about it." I have frequently asked men to vote for friends of mine, but they have said, "I cannot, unless you will drive me in; I will not take the trouble of leaving my plough to go in and vote; why should I, I do not care about it."

8822. Did you find one class of persons more zealous to vote than others?—No, there was no difference.

8823. Generally there was an indifference, was there?—Generally there was an indifference, except when there was some exciting topic, such, for instance, as the transportation question, and the resistance to the sending out of convicts, and matters of that kind of general public interest. Then there would be a good deal of eagerness, and nearly everyone would vote; but upon ordinary occasions when there is no particular topic of excitement, they are very careless and indifferent about it.

8824. What is the system of patronage in that colony?—The whole of the patronage is vested in the Ministry of the day. The governor has to confirm their appointment; but he is constitutionally obliged, in fact, to appoint whoever the Ministry dictate to him.

8825. Had you any patronage connected with the office that you held?—Yes, I had a great deal of patronage.

8826. Had you patronage when you were elected a Member of the House of Representatives?—Yes, I was treasurer, and afterwards chief secretary. The patronage is divided amongst the members of the Ministry just as here; each man has the patronage of his own branch of the public service.

8827. At the time you held that office, had you applications from persons alleging that they had voted for you, and claiming that you should apply your patronage on their behalf or for their advantage?—I recollect one or two, who were strong supporters of mine in public, asking me for situations for relatives.

8828. On the ground that they had supported you?—I think it was understood there was no arrangement of that kind between them and me; but they came forward having a kind of claim, as constituents always will have upon a Member, a leading man whom they have supported either here or anywhere else; people make a claim for a fair consideration.

8829. That system of making claims upon persons who have patronage at their disposal exists there under the system of the ballot?—Yes, I think it exists quite as much as without the ballot; the ballot has no effect in that direction.

8830. Do you suppose that a Member who is elected has the means of ascertaining whether the persons who make such claims really did support him or not?—No, he has no means, except that people attend public meetings; a person who can make a claim upon such grounds as that would be a man who had been taking a leading part and attending public meetings held in his favour and moved resolutions that so-and-so was a proper man to be elected, and pledging themselves to return him, and that kind of service, going about and talking to people, praising up the candidate, and running down the opposing candidate, just as is done in this country.

8831. Then, in fact a system of canvassing goes on?—Yes, to that extent just the same as here.

8832. When persons canvass, do they ask those whom they canvass to pledge themselves to vote for a particular candidate?—No, I have not known that, except that the vote is taken at those public assemblies, and people hold up their hands for one candidate or another, and that of course is taken to mean that they intend to support him and vote for him.

8833. You stated that for the most part it is known how persons vote, but that some persons decline on principle to say how they voted?—Yes; it is generally known what a man's political leanings are when there is any particular question at issue; but a great number keep secret how they vote.

8834. Will you tell us what class of persons it is who endeavour to keep secret how they vote?—I think they are people of every class and every rank. They do it from a sort of conscientious

tious motive. They say, "We approve of the ballot; the principle of the ballot is, that no man should know what his neighbour does, and we will not tell anyone; we disapprove of canvassing; we disapprove of its being known at all; we declare what our views are, but we will not go further."

8835. It is not confined to that class which might be supposed to be under undue influence?—It is difficult to say that any number of persons that would be worth calling a class in those new countries are under undue influence. They are a very small number who are so, for there are not many tenants as in that country.

8836. I presume land is very easily got there?—Yes; land is got there at 1 *l.* an acre.

8837. Therefore a landlord has very little control over tenants there?—None at all; no landlord, under the ballot, would ever dream of it; but before the ballot landlords would act very much as landlords do in this country, but now such a thing is not thought of.

8838. Have customers much influence over tradesmen there?—Not much; not so much as in this country; there is more personal independence.

8839. In fact, the motive of the man's keeping secret how he has voted is not to prevent anyone who has influence over him finding it out, but no principle?—It prevents anyone having influence over him finding it out; he cannot find it out, it is impossible. But the effect has been that the notion of coercing people and bribing people has died out of the country absolutely; I am speaking of the ultimate effects of the ballot, after it has been in operation some years, when I say that the notion of such a thing as coercing or using improper influence has absolutely died out of the community altogether; and therefore the bulk of the people never think of concealing how they vote; but some do conceal it.

8840. Do the persons who maintain secrecy as to how they vote attend the public meetings where the candidates make addresses?—Yes.

8841. And do they vote at those meetings?—Yes, frequently.

8842. They then vote by ballot, and maintain secrecy as to how they vote?—Yes, they will not say how they voted, but they will get up and make a speech commending the politics and views of the candidate, and putting it that he is the proper man to represent them, and then they will not tell afterwards whether they did vote in accordance with their publicly avowed principles or not.

8843. I suppose that is pretty well known?—It is quite understood that the man has voted according to his avowed convictions.

8844. Therefore in that case their maintaining secrecy is really of no use even to themselves?—Not much; those are prominent politicians that would act in that way.

8845. Mr. *Edward Egerton.*] I think you stated that you were an opponent of the ballot when it was first instituted?—Yes, I opposed the ballot by every means in my power.

8846. Has there been much change of opinion in the public mind in Australia upon the subject of the ballot?—I think it is universal; I think I have only met with one person who previously opposed the ballot who has not become as complete a convert to it from conviction as I am myself.

8847. You stated, did you not, that notwithstanding you were opposed to the ballot you were returned at the head of the poll?—

8848. So that there could not have been much feeling on the part of the constituency which you courted upon that occasion on the subject of the ballot?—I do not attribute it to that; there were other services that I had rendered and was about to render at the time; there was a particular measure that I had devised connected with the transfer of land, which the people were very anxious to get carried; and I believe that I was returned more in view of that particular measure than otherwise; but I must say that I think that a great number voted for me on that occasion under the ballot who would not have voted for me, but would have voted against me, if there was open voting, because they would have been ashamed, or to some extent afraid, of their fellow voters if they had supported a Conservative, as I was considered to be.

8849. Will you state to the Committee what it was that you believed promoted that growth of opinion in favour of the ballot in South Australia?—Seeing the practical effects of it.

8850. They could not know the effects of it before they had tried it; I presume that there were many more like you who opposed the ballot?—Yes; certainly there were.

8851. How long has the ballot been a part of the constitution?—Since 1856.

8852. Then it was a part of the new constitution?—It was in a separate Act which passed at the same time.

8853. Was it introduced upon the motion of one member, or was it a Government measure?—It was an open question; I was a member of the Government, and I opposed it, as did also the collector of customs, who was also a member of the Government; but the Attorney General and the Chief Secretary supported it. We were divided, and therefore it was allowed by the Government to be an open question, or else I would have retired from the Government.

8854. Will you state what were the grounds upon which its adoption was urged by its promoters?—Just the grounds that are urged in this country for the protection of the voters from coercion, for the prevention of bribery, and for the suppression of violence, and rioting at elections.

8855. You had a great many scenes of tumult, had you not, in the elections previously?—Yes; one specially which I bear in mind at Adelaide, I think it was immediately before I was elected myself; but at my election there was the utmost quietness, although I was an opponent of the popular idea at the time.

8856. You stated, did you not, that there was a prohibition of any canvassing some three or four days before the election?—Of public speaking on the part of the candidates.

8857. Then private canvassing goes on just the same, does it?—Practically, there is scarcely any; the friends of the candidate go round with him from house to house in some cases, but in other cases there is no canvassing.

8858. Is there generally a personal canvass?—There is a personal canvass, but the principal canvass is at the public meetings.

8859. Have you known any cases where the contest has been very close, where the ballot-boxes have been laid hold of by the mob and broken into?—Never.

Lieut.-Col. *R. R. Torrens*, M.P.

15 June 1869.

8860. Has there been no such case?—I have never known a mob at an election, or the smallest riot or disturbance of any kind whatever.

8861. That would depend, of course, upon how far the ballot-boxes would have to be taken?—In some cases the ballot-boxes would have to be brought by sea from some outlying settlements, and sometimes by land.

8862. Is there a great desire on the part of the population to know the result of the elections?—Yes, when there is any popular question at issue, but sometimes there is great apathy.

8863. I think you have stated that sometimes you had not the means of ascertaining how any particular district had voted before ascertaining it with regard to other districts?—Sometimes, I think, it is known; the ballot-boxes in central districts are examined before the others have arrived.

8864. Then it would be made known?—Yes; it is known how the candidate stands in the central districts, but then the election is all over, practically. There is no disclosure until the entire of the votes have been tendered; the opening of the ballot-box is a subsequent thing.

8865. Have you ever known of a case of a ballot-box being interrupted in its progress to head-quarters?—No, I never have.

8866. We have lately heard of a ballot-box being escorted by troops; is that the case in Australia?—I have never known it, certainly not in South Australia; but there are no troops that could escort them in Australia; there are no cavalry.

8867. There is some civic force, is there not?—Yes, there is a police force and a volunteer cavalry force; but I have never heard of such a thing.

8868. You have never known any instance in which their services have been called for in that respect?—No, certainly not.

8869. Have you been in America?—No.

8870. Sir *Michael Hicks Beach.*] I understood you to say that the candidates make no speeches at the nominations; does anyone make a speech upon that occasion?—No, I think not; I think it is simply tendering a letter; it is a mere formal business-like proceeding.

8871. Under the old system of elections in South Australia, was the state of the poll known during the time that it was being conducted?—Yes, just the same as here; everything went on precisely as it does in this country; the same row, and screaming, and shouting, and stone-throwing, and rotten eggs, and all that sort of thing.

8872. Prior to adopting the ballot, was any suggestion made to provide that the state of the poll should be kept secret while it was being conducted?—Prior to the ballot I heard of no proposal of that kind.

8873. Are both the Upper and the Lower Houses elected by universal suffrage?—No; there is a property qualification for the Upper House, but it is a very low one.

8874. In both Houses are the elections conducted by the ballot?—Yes.

8875. The Lower House is elected by universal suffrage; is there any restriction as to age or residence?—Yes, a man must reside 12 months in the district, and be registered as a voter for six months before he is allowed to exercise his vote; speaking from memory, those are the periods.

8876. And as to his age, what is the limit?—He must be 21 years of age.

8877. Did I understand you to state that the registration is conducted before the stipendiary magistrates?—No, by the returning officer, who takes the names of the voters in a district; reference is only made to the court when there is a dispute upon the electoral roll; any person may dispute the right of a name that is upon that roll to be there, and move that it be struck off, and in other cases a man whose name is not there may claim before the court to have his name put there, and prove that he was qualified for six months, and that there has been a mistake in not putting his name there, and that it has been some omission of the clerk of the roll.

8878. Are those magistrates who decide in such a case as that appointed by the Crown, or are they elected?—They are appointed by the Crown.

8879. I presume that the suffrage includes a great portion of the male population, does it not?—Yes, a very great portion.

8880. Is there any large proportion of that number who are unable to read?—Not a very large proportion who are not able to read print; several are not able to write or read writing, but there are very few who cannot read print.

8881. Can you give us any idea of the proportion who would be unable to read the names of the candidates?—I am sorry to say I cannot, but it would be very few indeed.

8882. I think the evils which you stated as being checked by adopting the ballot were mainly bribery, treating, and violence; has any inducement been substituted in their place to voters to vote in favour of a particular candidate under the present system?—No, not any; nothing but the profession of popular views.

8883. Do the candidates never say that they will support a larger expenditure of the public money on the needs of the constituency?—Yes, anything that will give popularity; persons who are unscrupulous, and with great ambition to obtain a seat, will pledge themselves, just as in this country, to extravagant measures.

8884. Is it not more the case in Australia than in this country, that the popular candidate is apt to endeavour to secure his return by promising that he will vote for a larger expenditure of money in that way?—Rather more than in this country, I think.

8885. Has that inducement been more held out since the adoption of the ballot than it was before?—No, not in consequence of that, certainly; prior to the introduction of the new constitution, I must observe that the land revenue, as apart from the revenue raised by taxes and customs duties, was very much more in the hands of this Government and Her Majesty's Ministers here, than of the colonists; therefore, since the introduction of the new constitution, which was simultaneous with the ballot, there have been more funds to be dealt with by the power of the people, exercised through their members and their Ministers, than there were before, inasmuch as the land fund is a very large revenue.

8886. You referred to the case of some voters at Cambridge who did not vote at all because they thought they were subject to undue influence from the college authorities; would the adoption of the ballot put a check to that, do you

you think?—I think it would entirely put an end to it; I believe that those men would then vote. It would add, practically, I think, a couple of hundred voting men to the constituency.

8887. The result of the idea of undue influence, then, now is, that they do not vote at all, and not that they vote against the Liberal candidate?—Some vote against the Liberal candidate, and some do not vote at all.

8888. With regard to those who have not voted at all hitherto, if they voted under the ballot they might be suspected by the College authorities of voting against them, might they not?—Anybody might be suspected, of course, but they would feel that they had the protection of the ballot, and that it could not be proved against them.

8889. Do you think that they would be, at all events as far as they are concerned, relieved from the fear of undue influence?—Yes, certainly, and they all advocate it themselves on that ground. When canvassed they say, "I wish you would get us the ballot, then we would vote for you, but we dare not at present; we are afraid of giving offence to those in whose power we are"; that is to say, their customers. The shopkeepers would say, "Most of our customers are on the other side, and we are afraid of giving offence to them, therefore we will not vote."

8890. Did it not occur to them that in case of the adoption of the ballot the persons of whose influence they are afraid might desire to choose persons to employ on whom they could rely to vote?—They did not seem to think that a probable circumstance.

8891. Is there any other influence at Cambridge except that which you have spoken of?—I do not think that at the last election there was any bribery at all on either side; I have reason to believe that on former occasions there was.

8892. There have been frequent petitions there, have there not?—Yes; some years ago there were two petitions, in which very gross bribery was proved at Cambridge.

8893. Did anyone at Cambridge ever say to you that, in their opinion, the adoption of the ballot would check that bribery?—Yes, that is the universal opinion there of the Liberal party, that the adoption of the ballot would stop bribery for the future.

8894. Mr. *Cross.*] Is there a frequent change of Members by the constituency in South Australia?—I think every third year there is a general election for the Lower House; the Upper House go out one-third every fifth year by rotation; the Lower House go out altogether every third year. The Governor has power by the advice of his responsible ministry to dissolve.

8895. With those frequent elections do the constituencies often change their Members, or does a man often keep his seat for a long time together?—Generally for a long time together; the changes are not more frequent than in this country.

8896. Sir *George Grey.*] Are the Members paid?—No.

8897. Mr. *Cross.*] Not even the expenses of those who have to come from great distances?—No; there is nothing of that sort paid in South Australia. The question has been mooted in Victoria, and I think negatived only by a very small majority of one or two.

8898. You stated that the Members hold their meetings some time before the election, in the same way that we do, and go down and speak; are those open meetings or party meetings?—All open meetings.

8899. Not as we have it here, generally speaking, all being of one party in the room?—Generally, a meeting would be understood to be held in the interest of some particular candidate, but it would always be free to the opponents to come in if they pleased, and they generally do. Frequently a meeting is held to hear all the candidates in the same meeting, and at that meeting they hear them and decide upon their member; that is more frequently the case than any other mode.

8900. So that in those meetings, although held in the interests of a particular candidate, if an opponent came in and asked questions, he would be treated fairly, and allowed to speak?—Yes.

8901. But two days before the nomination the candidate himself may not speak?—No.

8902. He may go about and canvass privately, if he likes, may he not?—I think that is prohibited also, but I will not be positive; it is some years since I was returned; January 1856.

8903. At the nomination, do the persons who nominate the candidate simply name them, and then sit down, or how is it done?—They may say a few words in recommendation of their politics, or something of that kind, but the nomination virtually is in writing; it is a written nomination.

8904. When must the nomination paper be sent in?—There is a day appointed for the nomination, and the proposer and the seconder attend upon that day in a public place, where the mayor, or the chief officer of the corporation, who is usually the returning officer, is in attendance, and he receives those written papers nominating and seconding, and he then declares who is elected, if there be no opposition.

8905. If there is opposition is there any show of hands, or anything of that kind?—No, there is no show of hands; a poll is called and a show of hands would evidently be inconsistent with the idea of the ballot.

8906. After an election is over, you say there is no speaking; at the declaration of the poll do those members that are returned generally get their friends to return thanks?—I would not be positive that speaking is prohibited, but I recollect several elections at which there was no speaking; I am not quite clear from memory that it is prohibited by law, that is to say, for the proposer and seconder; but I quite recollect that it is prohibited by law for the candidate to address meetings.

8907. Did I rightly understand you to say that since the ballot has been introduced there has been no great political question before the people in which the people took a very great interest?—There have been occasionally very great political questions, and then there has been great excitement displayed, but only exhibited by almost every person exercising the suffrage; there has been no rioting, and no disturbance. I would instance one question in which I took a deep interest myself; it was to some extent to counteract universal suffrage by giving an extra vote to persons who were in possession of property to a certain amount, and to members of the learned professions, in fact what are called here fancy franchises. I supported that view

Lieut.-Col. *R. R. Torrens*, M.P.

15 June 1869.

and took a deep interest in it, and there was a good deal of excitement and feeling upon that question upon the part of the proprietors of land, and the more educated classes who were in favour of it.

8908. That is since the ballot?—Yes.

8909. At that time did people hesitate to express their opinion as to which side they were?—Not at all.

8910. It was generally known in that case when the matter was one of great excitement, and nobody hesitated to declare his opinion?—No; no man was afraid of his neighbour, because the ballot had been a long time in operation, and it never entered into anyone's mind that he would be coerced, or could be coerced by any other person.

8911. So that they do not object to express their opinion?—No; there is no hesitation about it.

8912. Is there any such thing known in South Australia as corruption of the members of the legislature by the ministry, in any way?—I have never heard in South Australia of anything of the kind; in Victoria I have.

8913. Mr. *Dalglish.*] When you talk of universal suffrage, I presume that you mean manhood suffrage?—Yes.

8914. Women have no vote in South Australia, have they?—No.

8915. You stated that since the introduction of manhood suffrage and vote by ballot, rioting at elections have altogether ceased?—Yes.

8916. But it existed before to a considerable extent, did it not?—Yes, quite as much as in this country, if not more.

8917. Mr. *James.*] You say that no difficulty has arisen from persons not being able to vote through neglected education; is the standard of education in Australia higher or lower than it is England?—It is higher a good deal.

8918. To what do you attribute the fact that there is more education, and that more persons can read and write, than is usually the case in this country?—In South Australia, the cause of it is the very careful selection of emigrants by the agents in this country; in fact it is the very cream of the English working classes who are sent out to that country, and the cases where men cannot read print are very rare.

8919. There has never been any reason to require that the voting papers should be of a different colour, or anything of that kind?—No; that has not been found necessary.

8920. Nor has the necessity ever been suggested of allowing the presiding officers, if requested, to mark the cards?—Not that I am aware of; I would explain that all the names are upon the same card, so that there is no dropping of one card for one member and one for another.

8921. I mean a different set of cards of different colours, nothing of that kind has been necessary to be resorted to?—I think not; it would then be necessary to explain to a man that James is red and Johnson is blue, so that it would come to the same thing; it would call in another person who would be cognizant, of course, of what the voter was about.

8922. What effect has the ballot had upon individual canvassing, such as from door to door canvassing?—It has almost put an end to it.

8923. Both in the towns and in the outlying districts?—I think it is almost entirely put an end to in the outlying districts, and there is very little of it in the towns.

8924. There is less of it than there was before the ballot, at any rate?—Very much less; it was general before the ballot.

8925. Both by the candidates and the constituencies, is not that regarded as one of the advantages of the ballot?—A very great advantage.

8926. Are those elections regulated by one colonial statute?—There are two statutes; the Constitution Act settles the question of the suffrage, and there is the Procedure Act, which establishes the ballot as the mode of taking elections; it is a separate Act.

8927. Have you ever heard it suggested that any bribery ever takes place in the way of a candidate promising to give money if he were returned, and dependent upon his return?—No, I have never heard of a case of the kind.

8928. No middleman arranging that he would secure votes, and so be paid if he only were returned?—No, I never heard of any instance of the kind in any of the colonies, and I am very intimately acquainted with them.

8929. Did bribery exist to any extent before the ballot?—Yes, direct bribery; and treating to a very much larger extent than bribery.

8930. Mr. *William Henry Smith.*] Are you aware what proportion of lost votes there is in the ballot boxes, or whether there is a large proportion?—There is a considerable proportion, but I doubt if it is much more than there is in this country from errors and mistakes.

8931. In this country a man is asked for whom he votes, and he declares for whom he votes; in South Australia he has a ticket given into his hand, and unless he does something with that ticket, signifying for whom he votes, the vote is lost, is it not?—Yes.

8932. So that a certain number of lost votes must be ascertained by an examination of the ballot boxes?—The votes are lost in Australia principally in this way: a man is prohibited from putting anything whatever upon his voting card except a cross, and sometimes through ignorance or carelessness men make some other mark, and however trifling the mark is, the card will be thrown aside.

8933. You say that people are much more intelligent in Australia than they are in England as a rule?—Yes, there are less of the very lowest class of people; what Mr. Bright calls "the residuum"; there are fewer of those in South Australia than in this country.

8934. Might not one fairly infer that a system which works well in Australia might work with greater difficulty here?—Yes, it might be so if the system were more complicated than that which is in operation there; but I deny that it is more complicated or so complicated as the system in England; in fact, nothing can be more simple.

8935. You say that there is now no excitement at elections, and that the result of the alteration in the constitution was to destroy political party completely; do you attribute the absence of excitement at elections to the use of the ballot, or to the fact that there is no enemy to fight?—To the fact that there is no enemy to fight. The annihilation of the Conservative party was accomplished under the manhood suffrage, but the ballot has nothing to do with it. In fact, I would wish to state that the ballot is decidedly

decidedly a Conservative measure in Australia, because if there be any coercion at all it would be the coercion of popular opinion amongst fellow craftsmen, and a man, under the ballot, will vote directly contrary to the dictation of a trade's union. For instance, the executive of a trade's union might order, say, a bricklayer to vote for a certain ticket; but the bricklayer, as an individual, if he is protected by the ballot, will go against the orders of his executive in the trade's union; that certainly is the fact.

8936. So that if the suffrage had not been universal, and if the opposing political party had not been destroyed, there might still have been excitement, and there might still have been disturbance, under the system of voting by ballot?—There is a distinction between excitement and disturbance; I was speaking of a kind of apathy at elections in the one case, and in the other of actual violence. I do not think that there would be any violence; but of course if there were strong opposition upon Conservative principles, the popular feeling would be roused, and there would be antagonism of views, and that kind of excitement which leads men to vote according to their opinions, whereas in ordinary times, when there is no particular motive, a man, as I said before, will not leave his plough to walk a mile or two into a town simply to record his vote, or even to turn round the corner of a street, when the country is so quietly governed that every one is content.

8937. The great question of the day in Australia is the question of free trade, is it not?—In Victoria it is; and in South Australia it is also raised occasionally.

8938. There is a tendency, is there not, to return to protection on the part of the electors of the constituencies?—In Victoria that is the case; not in South Australia.

8939. Mr. *Whitbread.*] I understand from you that a candidate may be nominated as he is in this country, up to the last moment, to the very day of the election?—Yes; he may be proposed and supported by his friends in any way up to the very hour of the election.

8940. So that there is no opportunity for the corrupt withdrawal of one candidate, because another could be proposed from the hustings at the very last moment?—Yes, up to the very last moment; a new candidate can be brought forward at the last hour.

8941. Is the nomination generally made in a room, or in the open air?—I think it is generally in a town such as Adelaide, in the Court House, as being the most public place they can get, and sometimes it is held in the open air.

8942. Do a large number of people usually attend it?—No, very few.

8943. With regard to the declaration of the poll, is the declaration made from the same place?—Yes; and it is published in the official "Gazette."

8944. And do a large number of persons attend that declaration?—No; very few indeed.

8945. After the election is over, and the declaration is made, if the popular candidate should be found to have been defeated, do the popular party ever take it into their heads to wreak their vengeance upon their supposed opponent?—Not at all; there is not the slightest disturbance of any kind.

8946. During the process of voting, what happens, supposing that a scrutineer on the part of one candidate objects to a vote, and is overruled by the presiding officer, has he any remedy?—The law prescribes certain questions, which alone may be asked of a voter; I think they are exclusively relating to the man's identity, because the question can soon be settled as to his right to vote if his name is upon the register at that time. If his name is there it cannot be questioned; the only question that can arise upon that last final matter of giving the vote, is, "Are you Thomas Jones?" Any question can be put upon that, and very severe penalties are inflicted for false answers.

8947. Supposing it turns out that several men have personated voters; does that void the election?—I fancy it would; I speak from memory of long date; no such case, however, has ever been brought forward.

8948. I presume that there is no possibility after an election in South Australia of holding a scrutiny, as we understand it in this country, because it is impossible to ascertain how any voter has voted?—There can be no scrutiny; you cannot prove how a man voted, but you can prove that he voted under a false name, that he came forward, and declared himself to be somebody else, and you can punish him for it, but you cannot prove whether he voted for A, B, or C.

8949. Do you think that the very fact of the absolute secrecy, and the impossibility of its being revealed how a man voted, is considered desirable and necessary in South Australia?—I think so; it was not my opinion originally, but that is almost the universal opinion at present; I think I may say quite universal.

8950. Would they be as satisfied if there was a record kept of the votes, so that under certain circumstances a scrutiny might afterwards take place?—I do not think they would; they are so well satisfied with the present system, for it works so perfectly, and so admirably in fact, that I think in the whole country you could not get a voice against it, or anyone who would consent to alter it, for fear of damaging it.

8951. You think it would destroy their belief in the efficiency of the system if a record, however secret, were kept?—I think they would rather leave the thing as it is than moot it at all; they consider it perfection.

8952. Has it ever been mooted from the popular side that a return should be made to open voting?—No, never; any candidate who proposed such an idea would find it impossible almost to get anyone even to nominate him at an election; so universal is the feeling, that I am certain he would not score ten votes in any constituency in the country.

8953. Mr. *Graves.*] Have you got municipal institutions in South Australia?—Yes, they are very largely spread throughout the country; in fact, I may say that they are universal in South Australia all over the country; it is all divided into what we call district councils there.

8954. Is the voting for the municipalities also by ballot?—Yes; the questions that they have to decide, are the levying of rates, and the making of roads and bridges, and drainage, and irrigation, and all those kinds of local matters; they have no political matters before them: a man votes in right of his paying rates for a given area of land; and when I first recollect it, there was a plurality of votes given, in some cases, in proportion to the value of your property up to a certain extent,

Lieut.-Col. *R. R. Torrens*, M.P.

15 June 1869.

extent, but I think that has been altered since, and that now a man in the possession of freehold or leasehold property to a given value votes in the municipality.

8955. What is the qualification for voting in the municipalities?—That I cannot recollect.

8956. What number of votes have the voters, generally speaking, for Parliamentary representatives?—One for each seat that belongs to their electoral district.

8957. Take Adelaide for instance, how many would there be?—When I was elected, there were four seats for the city of Adelaide; it was all in one district, and then each elector had four votes, but he could not cumulate them.

8958. Have you thought at all whether the system of voting by ballot is applicable to what we call three-cornered constituencies, such as we have created in England for large towns?—Yes; I think it is quite as applicable, and can be managed.

8959. I presume there is no publication of the state of the poll throughout the day of the election?—No.

8960. When is the result known, generally, of the Adelaide election?—Generally, the next morning.

8961. Is it pretty well known on the evening of the day of the election who has been the successful candidates?—In some cases where a man is known to be a very popular man, and to have signalized himself by doing public service, and carrying useful measures, it is well understood that his seat will be safe.

8962. Have you more than one polling-place in Adelaide?—Adelaide is now divided into three districts, but there were several polling-places when it was in one; the city is scattered.

8963. You have stated that the voting is never divulged until after the result is known; do you mean by that that there is any publication of the result as to how the voters voted?—No, only the result; there is a publication in the "Gazette" of the result of who is returned.

8964. Has the idea of having lists published, say 48 hours after the day of election, ever been brought before the Houses of Assembly in South Australia in any way?—Never; that would, of course, destroy the ballot.

8965. Are you aware whether it has been discussed in any other of the Colonies, or is in existence in any other of the Colonies?—I do not think it is; I cannot conceive that it could be consistently with the ballot; it would entirely destroy the whole of the objects of the ballot.

8966. Do you not think that while it would give the facilities which you speak of in the machinery of the ballot, it would also have the effect of checking the possibility of corruption?—No; I think that the publication of such lists would have a contrary effect, that it would do away with the operation of the ballot, which now prevents corruption, for it would expose a person who voted to hostile action on the part of those who were opposed to him, and it would also give the briber the means of ascertaining whether he had had a *quid pro quo*, whether the vote had been given as it was paid for; so that, of course, the ballot would be rendered nugatory.

8967. If bribery is committed now, it is done without any knowledge that it will be successful?—Suppose a man under the ballot were to bribe, and then say, "Here is 10*l.*; I will depend upon your honour to vote for me," of course the man might do such a thing, there is no possibility of preventing that; but practically, when he never can ascertain that he has had a *quid pro quo*, he will not part with his money; that is how the ballot works in that indirect manner, that no person will pay money unless he has some reasonable means of ascertaining that he has got that for which he has paid, or is going to get it. When there is no possibility of his ascertaining that, he will not pay the money; that is really the way in which it operates.

8968. Do you consider that the absence of bribery in South Australia is owing to the machinery of the ballot, or is it owing to the political indifference, to which you have alluded?—I think it is entirely owing to the machinery of the ballot, for political indifference would certainly facilitate bribery; for a man may be more easily bought who has no political feelings at all than a man who has got some, if they are opposed to the person; it would be always an indifferent man who had no politics; people would not go to bribe a man who is known to take an interest in politics.

8969. You spoke of the reduction of expenditure as consequent upon the ballot; I believe the ballot came in at the time of the change of the constitution?—Yes.

8970. Could you explain whether the candidates were relieved from any portion of the expenditure that they were previously liable to through the change of the constitution?—I think they were relieved from the expense of the hustings and matters of that kind, which have been thrown upon the municipalities, or they are paid for out of the general revenues, and the result has been an immense saving of expense to the candidates.

8971. Sir *Frederick Heygate.*] What class do the principal public men in the colony come from?—Every class; in both Houses there are men who were originally labourers; there was one who was a servant to a cousin of mine, and whom I sent out, and who was a member of the Upper House when I left; and there was a member of the Lower House, and a member of Her Majesty's Government, who was a carpenter in the ship that I went out in; then there are also men of family, and University men, and men of all classes, both in the Legislature and in the Administration; shopkeepers, and tradesmen, and common labourers.

8972. As a rule, do the best class in the community take part in politics?—Not very much; the old Tory party do not; they are out of the game in fact.

8973. Does that arise from their not having sufficient time, from their time being valuable, or from a dislike to mix with the more popular members?—I think it is from indifference to politics; the squatting class and the more wealthy people to a great extent look to returning to this country, and they do not care to waste their time in serving the public out there, which time they might spend in increasing their means, which would enable them to retire from that country; I think that is the feeling amongst the squatters generally; they do not take so much active part in the affair of the country as the agriculturists, and the shopkeepers, and the trading people.

8974. You spoke of trade's unions, do they exist to any extent in that country?—Yes; not to so great an extent as here, but they do exist, and

and combinations amongst miners and workmen generally very extensively exist.

8975. Those combinations have great influence over the members of them, have they not?—Very great; in the mining districts no doubt the miner's votes would be of the utmost importance where the copper mines are worked.

8976. When the members of trades' unions find, as they must do occasionally, that the ballot is against them, are they satisfied with the ballot?—Yes, I think so; they have no redress for it; but hitherto it has not been so, they have for the most part carried the day.

8977. Did you not state that one advantage of the ballot was that the members of trades' unions gave an independent vote?—Yes; but I do not think that that really has seriously affected the political balance of power in the country; I am satisfied that a great number of votes will be given by the members of trades' unions directly in opposition to the orders of their executives, and independent action will take place under the ballot, and not in the other case; I know that it did in my own case.

8978. But still those who direct the trades unions are satisfied with the ballot?—Yes; they have no help for it.

8979. Mr. *Leatham.*] You stated, did you not, that the feeling of the colony was unanimous in favour of the ballot?—Quite so.

8980. Before the promulgation of the new constitution, there were political parties, were there not, in South Australia, nearly analogous to those which exist in this country?—Yes; I headed the Conservative party, and the Attorney General the Radical party.

8981. Was the party which is analogous to the Conservative party here, as a party, opposed to the ballot?—Yes, very much indeed.

8982. Have you never met with intimidation in South Australia of the same kind which is chiefly complained of here, the intimidation exercised by individuals over individuals?—To some extent it was complained of, but it never obtained so widely as in this country.

8983. Is there nothing of that kind now?—Nothing whatever of that kind now.

8984. Therefore, immediately after the excitement is over, there is very little motive on the part of the voter to keep his vote secret?—No motive at all. I would mention that the state of things now, when the ballot has been in existence some years, is different from what it was immediately after it was introduced. Now, as I said before, the thing has absolutely died out of people's minds to bribe or coerce in any way.

8985. But immediately after it was introduced it was the general practice not to reveal the vote?—Yes, not to reveal the vote.

8986. You are one of those who declined to change your opinion with the popular current, and in consequence you retired from public life?—Yes, I have always opposed universal suffrage.

8987. And was it in consequence of that you retired from public life?—No, I retired at the request of a great number of persons, to take upon myself the duty of carrying into practical operation an Act relating to the transfer of real property, of which I am the author; and I believe that, notwithstanding my political opinions, I could have held a place there from being prized by the people for having carried out a measure which was very advantageous to the country.

8988. Although political parties in Australia are not now analogous to those which exist here, there are political parties in Australia; and there is party organisation, and party cries, and what the Americans call a party platform, is there not?—Yes; not of the same permanent character as here; but there are party organisations.

8989. You spoke of the annihilation of the Conservative party in Australia, the proposal of the dual vote was considered a Conservative measure, was it not?—Yes.

8990. And that was proposed after the new constitution was established?—Yes.

8991. It must have been proposed by a Conservative, I imagine?—It was proposed by some member of the Administration there; it was an idea that I have always been advocating, but there was an agitation got up there very like that at the head of which Mr. Beales is in this country; in fact the mob were getting up a mob Parliament there, and that alarmed the yeomanry of the country. The country is all divided into small farms, and every man cultivates the ground that he is proprietor of there; those men were alarmed, and there was a chance then of getting this Conservative measure while they were in this state of alarm.

8992. The Conservative party did not become extinct immediately after the introduction of the ballot?—Yes, the party, as a party, broke to pieces altogether, but the Conservative instinct was there for some time to try and restrain the mob when they were going into extremes by throwing the power into the hands of the propertied class.

8993. When persons hold up their hands at public meetings in favour of particular candidates, they do not consider that they have pledged themselves to vote for those particular candidates, but merely as indicating what is their present intention?—That is all.

8994. So that it may very well happen that a man may hold up his hand at a public meeting in favour of a particular candidate, and may change his mind without any violation of principle?—Yes, certainly; or a new candidate may come forward whom he might prefer.

8995. Mr. *Brand.*] Did the constitution of South Australia in 1856 provide equal electoral districts?—No, we had not "equal electoral districts"; the whole colony was thrown into one electoral district for the Upper House only. I think it was a separate Act which defined the electoral districts.

8996. Have you anything in South Australia like our small boroughs in this country?—Not so very small; the principle of equal electoral districts is, to some slight extent, carried out, but some of the squatting districts are very small constituencies.

8997. How many members does Adelaide return?—I think it returns three at present.

8998. Is the city divided into several departments, or wards?—Yes, into three divisions; there is a member for North Adelaide, for East Adelaide, and for West Adelaide.

8999. Have you any constituency in South Australia returning more than one member?—Yes; several.

9000. Is the suffrages identical in all the electoral districts?—Yes,

9001. You were asked just now with regard to lost votes; can you state what proportion of lost

Lieut.-Col. *R. R. Torrens*, M.P.

15 June 1869.

votes occur?—Not exactly; but it is insignificant.

9002. Take, for instance, your own return in 1856: you polled, I understood you to say, over 3,000 votes, can you say how many lost votes there were upon that occasion?—I cannot bear in mind, but I do not think there would be more than in this country. A petition, I recollect, was lodged recently against one election, I cannot recollect the name of the place now, in which several of the votes were lost by parties tendering their votes not to the clerk.

9003. Do you think that the proportion would reach one per cent.?—Yes, perhaps that would be the outside limit of it.

9004. And if a vote is lost, is it not generally owing to the ignorance of the voter?—Yes, to his ignorance or carelessness.

9005. Sir *George Grey.*] What becomes of the voting cards after the declaration of the poll; are they preserved or destroyed?—They are destroyed.

9006. Sir *Frederick Heygate.*] Are you an advocate for the ballot in this country, looking at the different circumstances of this country compared with the colonies?—Yes, I think it is infinitely more needed in this country than it ever was in the colony.

9007. Mr. *Hunt.*] Are those voting cards destroyed immediately after the declaration of the poll, or are they kept for a certain time?—I think they are destroyed almost immediately after.

9008. Supposing it was alleged that an election was secured by bribery, if the cards had been destroyed, how would it be ascertained how each voter had voted?—It would be impossible to ascertain how a man voted; a single act of bribing would render the election void, and the candidate would be unseated.

9009. What are we to understand by an act of bribing; would it be an act of bribing to promise a voter any advantage if he voted in favour of a particular candidate?—Yes; I should say that it would.

9010. That might be so as against the person who offered the bribe, but it would not be an act of bribery on the part of the voter, if he did not vote according to promise?—That would be a question for the judges to decide what amounts to an act of bribery.

9011. Unless you proved that the person bribed voted for the candidate for whom the briber asked him to vote, how could you establish bribery?—It could only be proved by the man's own acknowledgment that he had been bribed, and had voted.

9012. Would a man be likely to acknowledge that he had been bribed, or would you have any means of proving it if he denied it?—They do so in this country in very numerous instances; I suppose if a voter were upon his oath, upon suspicion, he would be compelled to disclose the truth.

9013. Is not that the case where there is other evidence that he has been bribed?—No case of the kind, except this one of Mr. Dunn's, has ever occurred in the country, and in that case the bribery was proved by the oath of the men who received their passage money; they had spoken of it, I suppose, in their cups; they stated that they had received the price of their travelling expenses, and that upset the election immediately.

9014. Then they had made admissions in an unguarded moment, which were given in evidence against them?—Yes; it would be just the same there as in this country.

9015. But in this country you would also prove how those men voted, would you not, upon the petition?—Yes.

Friday, 18*th June* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	Sir Frederick Heygate.
Mr. Brand.	Mr. Staveley Hill.
Mr. Bright.	Mr. Hunt.
Mr. Cross.	Mr. James.
Mr. Dalglish.	Mr. Leatham.
Mr. Edward Egerton.	Mr. Locke.
Mr. Fawcett.	The O'Conor Don.
Sir George Grey.	Mr. Raikes.
Mr. Gathorne Hardy.	Mr. Villiers.
The Marquis of Hartington.	Mr. Whitbread.

THE RIGHT HON. THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. FRANCIS S. DUTTON, called in; and Examined.

Mr. *F. S. Dutton.*
18 June 1869.

9016. Mr. *Leatham.*] You have been a Member of the South Australian Legislature, have you not, for several years?—I have been a Member of the Legislature in South Australia from the year 1851 until September 1865, when I came to England.

9017. Have you also been a Member of the Government?—I was a Member of three Administrations, two of which I formed myself.

9018. Did you retain your office of Minister of Public Works till September 1865?—Yes, from March to September 1865.

9019. Do you hold any office at the present moment?—I am the agent general for the Government of South Australia in England.

9020. Has the whole working of the electoral system in South Australia fallen continuously under your observation?—Yes; being a member of the Legislature, the various electoral Acts were passed with my assistance, and the whole electoral system has been continuously under my notice.

9021. Have you stood contested elections, both under the system of open voting and under the ballot?—I have.

9022. Have you observed that, since the introduction of the ballot, there has been any decrease of bribery, intimidation, and treating in South Australia?—I am very positive that the alteration has all been in favour of purity of election, and quiet and orderly conduct in elections.

9023. Was there much opposition to the introduction of the ballot in South Australia?—There was a good deal on the part of many people who were opposed to the ballot, and a good deal of opposition was made in the Legislature when the project of the ballot was first introduced.

9024. Are you prepared to state the present feeling of the colony with reference to it?—At present I am quite certain that the feeling is unanimously in favour of the ballot, even by those who were formerly opposed to it.

9025. Will you give to the Committee a brief outline of the scheme of ballot in South Australia?—If the Committee would prefer it I can give them the words according to the Electoral Act. The registration of electors is very much on the same plan as in England, and we assume that that is all completed, and that the returning officer has the electoral list before him.

9026. Sir *George Grey.*] Who appoints the returning officer?—The Government appoints him.

9027. And the deputy returning officer?—There is one principal returning officer, and he appoints the deputy returning officers.

9028. Mr. *Leatham.*] Will you proceed with your statement of the method of taking the ballot?—It is contained in clause 31 of the Electoral Act, No. 12, of 1858: "The election of members of the Legislative Council and House of Assembly at each voting place shall be held before the returning officer or his deputy, and the voting at every election shall commence at nine o'clock in the forenoon, and shall finally close at five o'clock in the afternoon of the same day, and shall be conducted in manner following, that is to say, every elector entitled to vote, and who shall vote in the election of members of the Legislative Council or House of Assembly, as the case may be, shall vote at the voting place in the district or division for which his name appears on the electoral roll, and shall present himself to the returning officer or his deputy at such voting place, and state his Christian and surname, abode and profession, or occupation; and in case of voting for a member of the Legislative Council, the nature of his qualification, and the place where the property or qualification is situated; whereupon the returning officer or his deputy shall place a mark against the voter's name on the electoral roll, and hand to such voter a voting paper bearing the initials of the returning officer or his deputy, and containing the Christian and surname of each candidate, and a blank square printed opposite to the name of each candidate, with a number

Mr. *F. S. Dutton.*

18 June 1869.

corresponding with the order of nomination inserted in such square; and, in the event of two or more candidates being of the same name, the voting paper shall contain the description of each such candidate in addition to his Christian and surname and number, and no other matter or thing; and there shall be provided separate apartments, or places forming part of the polling booth, into which the voter shall immediately retire, and there alone, and in private, without interruption, indicate the name of the candidate for whom he intends to vote by making a cross within the square opposite the name of such candidate, and shall then fold the same paper, and immediately deliver it so folded, to the returning officer, or to his deputy, who shall forthwith publicly, and without opening the same, deposit it in a box to be provided for that purpose; and no voting paper so deposited in any box shall, on any account, be taken therefrom, unless in the presence of scrutineers after the close of the election; provided, that no voting paper shall be received unless it be so folded as to render it impossible for the returning officer or any other person to see for what candidate or candidates the vote is given; and any voter wilfully infringing any of the provisions of this clause, or obstructing the voting by any unnecessary delay in performing any act within the polling booth or room, shall be deemed guilty of a misdemeanour;" that is the form of proceeding of the elector in going into the booth and giving his vote.

9029. Did you hear the evidence given by Mr. Torrens before this Committee?—I was here the whole time. I did not quite catch the whole of his evidence, but I did most of it.

9030. Have you any remarks to make upon any points stated by him?—The greater part of Colonel Torrens' evidence, of course, is very much what I would have given myself, if I had been examined first, which, therefore, I need not repeat; but there were two points upon which, with the permission of the Committee, I wish to take exception. Two quotations from Colonel Torrens' evidence have been published in a very influential evening paper, the "Pall Mall Gazette"; and I am afraid that the quotation of those two paragraphs may have the effect of giving an erroneous impression as to the secrecy of our ballot, because, of course, unless the ballot is absolutely secret, all argument in favour of that important measure must, of necessity, fall to the ground. I must myself maintain most positively that the operation of the ballot in South Australia is absolutely secret; with the permission of the Committee, I would wish to quote those two paragraphs, in order to draw the attention of the Committee to them; and there is a remark or two that I wish to make upon them. The first quotation from Colonel Torrens's evidence is, "That after the ballot had been in operation some time, it practically, became known how everybody voted." Now, that, to a certain extent, there is some truth in; that I cannot deny; because any man can say, "I voted for So-and-so"; but still that would not militate against the secrecy of the ballot, because if John Jones says, "I voted for Tom Brown," nobody can tell whether he did so or not; it is utterly impossible; and therefore it is a mere surmise to say that it practically becomes known how everybody votes; since there is no possibility of proving, if a man says, "I voted for So-and-so," whether he did vote for So-and-so or not.

9031. Are there not a number of persons who do not reveal their votes at all?—There are a number of persons who do not reveal their votes at all; and it is quite optional for any one to say how he voted; there is no necessity for him to say so unless he likes, and if he does say so, there is no possibility of proving whether he is speaking the truth or not.

9032. Mr. *Villiers.*] What you wish to convey to the Committee is, that if it becomes known how a person has voted it only becomes known by the voter himself telling it?—Yes, it is utterly impossible that it can be known in any other way.

9033. Mr. *Hunt.*] If he tells a falsehood on the subject, there is no means of confuting him?—There is no means of confuting him. The other point that I wish to refer to is rather more important. The "Pall Mall Gazette" goes on to say, "Colonel Torrens further admitted that the state of the poll somehow got known frequently before the election was over." I do not know whether Colonel Torrens stated that in his evidence, but if he did he must have done so inadvertently, because it is quite contrary to the known facts of the electoral system in South Australia that such a thing has ever occurred.

9034. Mr. *Cross.*] I think he stated, that before an outlying box had come in, it was often stated that such-and-such a man was elected unless the box gave a different result?—I was anxious to correct the quotation given in the "Pall Mall Gazette," because it would lead to erroneous opinions on that subject.

9035. Sir *George Grey.*] You wish to say that the state of the poll is never known till the final declaration, after the scrutiny?—Never in any instance; it is quite impossible that it could be known.

9036. Mr. *Bright.*] It is obvious that that is entirely a question of machinery and management?—Yes; it is the same way in which all elections have been conducted by ballot. We have never had an instance in which the election has ever been called in question, or where it has ever been known before the election was over, who was the successful candidate, or otherwise.

9037. Could you say what was the year when the ballot was adopted in that colony?—In 1858.

9038. And you were witness to its operation in every year up to 1865?—Yes, till 1865; and I have stood contested elections under the old system and under the ballot also.

9039. For a town or country constituency?—Both for the city of Adelaide and a county election; it may be that our elections are very lively, but of course, on the nomination day everything is conducted very quietly and orderly; but before the election every candidate goes about to different parts of the electoral district to address the electors, and at those meetings the proceedings are very lively, sometimes even boisterous; so that the electors in South Australia have every opportunity of satisfying themselves as to the political sentiments of the candidates.

9040. Sir *George Grey.*] You heard, perhaps, Colonel Torrens's evidence with respect to the petition which had been presented; are petitions against the return of members frequent in South Australia?—Very seldom.

9041. On what grounds are petitions presented?—I do not bring to my recollection more than one or two at the outside.

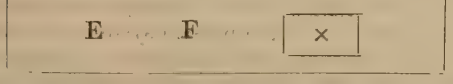
9042. Colonel Torrens mentioned one which was presented in which the member was unseated for bribery, and the question was put to him, how was it ascertained that the bribed voter voted for him, if that was so ascertained, and he said that he had not very accurate information upon the subject; can you give any information as to that?—I was fortunate enough to find a newspaper containing a report of that case, and if the Committee will allow me I will leave it with them, if they would like to peruse the proceedings which took place (*handing in the same*).

9043. Can you tell us whether it was ascertained that the voters who had been bribed actually voted for the member who was alleged to have bribed them?—It was not so much a question of bribery as paying their expenses to reach the polling place from a distance.

9044. Was it ascertained that those voters whose expenses were so paid actually voted for the member who was unseated on account of that payment?—It was proved on the trial, that those men said that they had promised to vote for the candidate, and the evidence was considered satisfactory to the court, because the member was unseated, and he was fined 150 *l.*, and declared to be unable to sit in that Parliament.

9045. Then the evidence rested, did it not, on their own statement?—The evidence rested on the statement of those witnesses, and others who heard them make those statements, who were all obliged to attend the court.

9046. Are the voting cards destroyed immediately after the scrutiny, and by whom?—The voting papers are destroyed immediately after the scrutiny is completed, by the returning officer, in the presence of the scrutineers. This is the form of the voting paper:—



9047. Mr. *Villiers.*] Have you ever known any attempt made to induce people not to vote at all?—I cannot say that I have, but I would not like to give any evidence which I was not quite sure about.

9048. Have you ever known any attempt made on the part of candidates to evade the effect of the ballot?—No, I never have heard of any instance of that kind.

9049. Does it ever occur that persons present themselves with papers who are not voters, who in fact personate other voters?—There has only been one instance where a suspicion arose that personation had taken place, but it was not proved, and no proceedings were taken in consequence; in fact, personation is quite unknown.

9050. I suppose that the register is always present at the time, and that the person does state that he is a voter, and is on the register when he appears?—One safeguard which we consider very important against personation is, that each candidate is allowed to have a scrutineer who is present during the time the voter comes up to get his ticket, and then those scrutineers are generally selected as being people who are well acquainted with the residents in the district.

9051. But if the candidate was party to the personation, his scrutineer would not interfere?—No, but then there would be the opposition scrutineer who would have the same local knowledge as the other one, and the chances are, that he would find out whether the man really was the man whom he represented himself to be.

9052. I presume it is not difficult to know the voters in a colony like South Australia?—No, of course the constituency not being so large, they are mostly known, but I cannot conceive that any man would willingly run the risk of the severe punishment attached to personating, because he could have no object in doing it. The penalty is a misdemeanour, and he may be imprisoned for two years if he is found out; therefore, what object could a man have for doing it. I can understand a man being corrupt, but I cannot understand a man running such a risk for nothing, or perhaps for 5 *s.*, or 2 *s.* 6 *d.*, or 1 *l.*

9053. How many electors are there altogether for the Lower House in South Australia?—I have brought a return which I found amongst the printed papers in my office, which shows that the number of voters for the House of Assembly in 1863 were 25,929; that is the whole number for the 18 electoral districts, each district returning two members.

9054. How many members are there in the House of Assembly?—Thirty-six; there are 18 districts which are as nearly equal as possible, and two members for each district.

9055. Is there a separate register for each district?—Yes.

9056. Is the register formed as it is here, by some person revising the lists that are prepared?—Yes, I think it is framed on the English system of registration.

9057. Is the Upper House also elective?—The Upper House is also elective, and for that there are 14,600 constituents.

9058. Is that upon a higher qualification?—With regard to the House of Assembly, it has no qualification at all, excepting six months registration, and being 21 years of age; it is practically universal suffrage.

9059. But there must be residence, must there not, in a given district?—The residence is not mentioned; the Act merely requires that the elector shall be six months on the register.

9060. What is the qualification for the Upper House?—For the Upper House, the qualification is a freehold of 50 *l.* or a leasehold of 25 *l.*; therefore the qualification is very trifling, even for the Upper House.

9061. Is it for the same period that the members of both Houses are elected?—No, they are not; the members of the Upper House are elected for 12 years, and every four years one-third of the total number, or six members, go out by rotation.

9062. Does that apply to both Houses?—No, it applies only to the Upper House.

9063. Then there is no general re-election of the whole House?—There is no general re-election of both Houses together. The Upper House is never dissolved; the Governor has by law no power to dissolve the Upper House.

9064. When there is a dissolution of that Parliament, it is only the Lower House?—It is only a dissolution

Mr. *F. S. Dutton.*

18 June 1869.

a dissolution of the House of Assembly, and the House of Assembly is elected for three years.

9065. Are the persons elected to the Upper House chosen by ballot?—They are all chosen by ballot, precisely in the same way as for the Lower House.

9066. And the voters are all registered to vote for that House?—Yes; the whole machinery is precisely the same as the Lower House.

9067. Is there never any disturbance or riot on the occasion of the voting?—Never; the elections are conducted with the utmost quietude.

9068. Does canvassing go on as it does in this country?—No, not by the candidates; the candidates are not allowed to canvass; but of course their friends may, and do canvass.

9069. Do they put forth addresses, and announce their opinions?—Yes, they put forth addresses, and they are generally invited to stand; and in that case, 300, or 400, or 500 electors may sign the requisition; but that is only an invitation to stand; they do not pledge themselves to vote for the candidate.

9070. Is it a matter of much interest when there is an election for the Chamber?—Yes, the elections excite a good deal of interest.

9071. Are the members paid in South Australia?—No; we have constantly resisted that; we do not approve of it at all.

9072. Is there no political excitement?—There is a good deal of political excitement during the elections.

9073. Are there a great many contests?—There are very few elections without a contest. There are always more candidates than can be elected.

9074. Is it usual to re-elect the same men?—Yes, in many instances it is. I have always been fortunate enough to be re-elected; in fact, in 1862, I was in England for a short time, and I was elected during my absence, whilst I was out of the colony.

9075. So that you do not see anything like caprice or changeableness on the part of voters, arising out of the security that they have in voting by ballot?—No, unless a member happens to have given offence to his constituents, which is sometimes the case.

9076. But that would apply, would it not, whether it was open voting or secret voting?—Yes, it would apply in both cases.

9077. Are the Committee to understand you, as far as you have observed it, that there is no inconvenience or evil arising at all from secret voting?—Quite the contrary. I think that the benefits are very great indeed.

9078. It has corrected many of the evils that are observed here, but you have observed none that are arising out of vote by ballot?—Precisely so.

9079. Mr. *Hunt.*] I observe in the report of the proceedings which you have handed in, that Mr. Stow, the counsel for the petitioners, made this observation to the court: that "under the system of the ballot it was impossible to know how those people voted, but the presumption would be, if a number of persons were brought from a distance, their carriage and expenses being paid by one of the most active members of a candidate's committee on purpose to enable them to vote at the election, that they voted for the candidate whom that person represented"; do you agree with Mr. Stow that under the system of the ballot it is impossible to know how persons vote?—There is no doubt about it; it is quite impossible.

9080. Supposing that persons have been induced to vote under that system by bribes, you can never fix them with having voted for the person for whom they received the money?—No, you never can tell whether they keep their promise of voting for the person for whom they were bribed to vote; and consequently one would suppose that no one in his senses would throw away his money in bribing a person over whom he had no control.

9081. That is supposing that he paid the money before he was returned; but would it prevent a person undertaking to pay a sum of money supposing he was returned?—Even in that case you could not possibly tell whether a particular man voted for him.

9082. The object of a person is to gain his election, and if he gains his election by corrupt means it is immaterial to him whether he pays the money to all the persons that voted for him so long as his election is obtained?—Yes; but I cannot see that anyone would be fool enough to throw away money in that way.

9083. But supposing a person is anxious to gain the election by whatever means, and is willing to spend 10,000*l.* to gain the election, if he says "I will pay 10,000*l.* if I am returned," supposing he thinks that a seat is worth that sum if he is returned, and pays 10,000*l.*, he has not thrown away his money so far as his view is concerned?—Might I ask to whom is he to pay the money; that is the difficulty about it.

9084. Supposing a man employs an agent to make out a list of corrupt voters in a constituency, and he tells the person who has made out that list, "If I am returned, but not else, I will pay you 10,000*l.* to distribute as you like," and he is returned, and he pays that 10,000*l.* to the person who has made out the list, leaving it to him to distribute it, do not you think that by that means bribery would obtain just as much under the system of the ballot, supposing there were persons found that wished to corrupt constituencies as it would under the present system?—I do not mean to say that people might not be found who had a great deal of money, and who might try to do it in that way; but I cannot myself imagine that anyone would do it.

9085. In this case of the Mount Barker election, which was tried at Adelaide, although the system of voting was secret, a person was found to spend money to take up persons to the poll?—Yes; but, you know, there is nothing perfect under the sun, and we may start from that principle.

9086. In this Mount Barker case the charge was, that one of the candidates paid money to take voters up to the poll, although he did not know how they would vote?—Yes.

9087. In that particular case a person was found who was willing to risk his money, even without knowing how they would vote?—Yes.

9088. And his presumption was, that if he paid the money they would vote for him?—Yes.

9089. And the election was upset upon that ground?—Yes, it was.

9090. Do not you think that where there is a great desire to obtain a seat other persons might be found to risk their money equally with the candidate at Mount Barker?—People might try to do it.

9091. Supposing that he did that, you have no means of proving that the person who received the money voted for the candidate from whom the money came?—Precisely so. I am speaking, of course, for South Australia.

9092. We understand, from Colonel Torrens, that in South Australia the voting papers are immediately destroyed?—Yes, they are immediately destroyed after the scrutiny is completed.

9093. At Melbourne are the papers kept?—I believe so; but I do not speak positively with respect to Melbourne.

9094. Do you object to their being kept?—I object to it because in Melbourne the voting papers, as I am informed, without being positive about it, have a number corresponding with the number of the elector on the roll; so that by a scrutiny you would find out how a man voted, and that I object to.

9095. The principle is this, is it not, that on the back of the paper the number of the voter on the electoral roll is printed in Melbourne?—I believe that that is the case.

9096. Then, the voting paper is preserved, so that there may be a scrutiny?—Yes.

9097. What is your objection to that?—I say that that is not the ballot; my objection is, that it is quite a different thing from voting by ballot; there cannot be a scrutiny with the ballot.

9098. And you object to having a scrutiny?—Yes, I object to having a scrutiny.

9099. Do you think that persons ought to be allowed to vote without its being possible to prove that they had been bribed for their vote?—Yes, just so; I say that if a man is allowed to vote, he ought to be allowed to vote in such a way that it can never be found out how he voted.

9100. Even although he voted corruptly?—Yes, even although he voted corruptly; it is for you to prove that he did vote corruptly by any means at your disposal, but not through the means of his vote.

9101. Do you think that you ought to do away with the means of proving that?—We must try to prove it in a different way; if a man once goes to the ballot-box with his vote, that vote ought to be unimpeached and unimpeachable.

9102. You are not sufficiently acquainted with the plan at Melbourne to know whether the voting papers are ever examined, except in the case of a scrutiny?—No, I know very little about the Melbourne system.

9103. In the case of South Australia, conveying voters to the poll is prohibited by law, is it not?—Yes.

9104. And the election was vitiated on that ground in the case that you refer to?—Yes; in the case of Mr. Dunn's election that was the ground.

9105. I suppose that persons are induced to convey voters to the poll on account of the inequality which exists between those who live near the polling places and those who live at a distance?—Yes; but still the country must expect something from a voter; if the voter places any value on his vote the country must expect him to take the trouble to reach the polling place.

9106. Do you think it is right that one voter should have an advantage over another from the accidental circumstance of living near the polling place?—We tried to obviate that as much as possible, by multiplying the polling places; and I do not think that there is any polling place, except in very remote pastural districts, more than five miles distant from the furthest voter on the list.

9107. But in the case of five miles, do not you think that it would be unfair that one voter should have to go five miles to vote, and another should only have to go half-a-mile?—But how are you to alter it?

9108. Do not you think that that gives one voter an unfair advantage over another?—Certainly the voter who lives nearer the polling booth would have an advantage to that extent.

9109. Might not the inconvenience of having to go five miles to the poll just make the difference as to whether the voter would go or not?—Yes, I think so.

9110. And that in itself would give a very great advantage to those voters who live near the polling place?—Yes, there is no doubt about that. Perhaps I may here state that the number of voters amounts to from 60 to 70 per cent. of the number of qualified electors; that is to say, supposing there are 100 qualified electors, taking the average of all our elections, I think, as near as can be ascertained, only about from 60 to 70 vote; therefore, the presumption is that the other 30 or 40 lose their votes either because they are too far away, or will not take the trouble to go to the poll; but there is no doubt that that is the cause of the number of voters being so much less than the number of qualified electors.

9111. I see by this report that the election petition was tried by a court, consisting of four members of Parliament, and a judge as president; has that system been long in force?—That is part of the Electoral Act. The constitution of that court is provided for in the Electoral Act.

9112. Do you know whether there have been many petitions tried under that system?—No, I think only two; I think there was only one besides this one.

9113. Were there many petitions before that Act was passed?—No, I do not think there were.

9114. Under that Act has the judge a vote?—I think he has only a casting vote, as well as I recollect.

9115. Supposing the other members of the court are divided, two and two, he then has a vote?—Yes, he would have a casting vote then; that is the object of having four members with the judge.

9116. Are there rules laid down in the Act as to what the duties of the judge are?—That is all provided in the Electoral Act; it prescribes what they are to do.

9117. Are you sufficiently acquainted with it to tell us what is prescribed for them?—I do not recollect the precise words of the Act.

9118. Does he go down to the constituency to try the case, or does he sit at the seat of the Legislature?—At the seat of the Legislature; generally in one of the committee-rooms.

9119. You think there have been only two petitions; do you know whether the result of those two petitions has been satisfactory to the Legislature?—Entirely so.

9120. Do you know whether, on points of law, the judge decides the question, or whether it is put to the whole court?—I am not quite sure upon that point, but I fancy that the reason of

Mr. *F. S. Dutton.*

18 June 1869.

appointing a judge to preside over the court is, that he should decide any legal points.

9121. If there is a question about the admissibility of evidence, do you know whether the judge decides it, or whether it is put to the whole court?—I am not quite sure upon that point, but I can put in a copy of the Act, if the Committee wish (*delivering in the same*).—There is another point which arose in Colonel Torrens' evidence, which I might mention, namely, the educational test of the electors, according to the last census returns out of 25,929 electors, there were 2,273 of the age of 21 years and upwards, or about nine per cent. who could not read.

9122. Do you know whether any of them voted?—They were qualified to vote.

9123. But do you know whether they did vote?—That I cannot say.

9124. I see in this evidence that they were told by the canvassers to vote for the top and bottom, or for the middle candidate; I suppose that the system of having squares on the voting paper was intended to guide voters who could not read or write?—My own idea is, that let a man be ever so ignorant, if he cannot read a word, as it is put in that case, he will be able to use his eyesight and sense and make a cross, top or bottom, or top and middle, or middle and bottom.

9125. But there being those squares, no voter would be so unintelligent as not to be able to put it at the top or the middle?—That is my idea. The names of the candidates are always printed alphabetically, so that one might suppose that a man would not make a mistake.

9126. You would not assist a voter who could not spell?—Certainly not; if people are so ignorant that they cannot read a word or two, I do not see that that should stand in the way of any Electoral Act.

9127. Mr. *Bright.*] Could you give the Committee, from your own experience, any description of the change that was made by the introduction of the ballot; you say that there were persons who were against it who, since the introduction, have become in favour of it, and that now, generally, it is unanimously accepted; what was the change which it produced?—Before the ballot was in operation, our elections were exceedingly riotous. Of course our community has the rowdy elements as well as other countries, and on election days those troublesome elements came to the surface; and I myself have been in the balcony of an hotel during one of the city elections, when the raging mob down in the street were so violent, that I certainly would not have risked my life to have crossed the street. That was with open voting; but now all that has disappeared. By the operation of the ballot the elections are conducted perfectly quietly; and as far as rioting is concerned, every vestige of it has disappeared. Then, again, with regard to the expenses of the elections, during the time of the open voting the principal expense of the candidates was to keep a number of public-houses open. Every one knows what it means to keep open house in public-houses. It is generally believed that two or three candidates have had to pay 2,000 *l.* and 3,000 *l.*, and I believe on one occasion 4,000 *l.* for the expenses of elections; and those expenses were mainly for keeping open house in different parts of the district during the time the election was on. All that has disappeared.

9128. Will you explain how the ballot has affected that particular evil?—In the first place, it is illegal under the Electoral Act; but no one dreams now of going to any expense, or spending a pound in treating the electors, for the best of all reasons, that under the ballot, you cannot tell that spending money will do you any good.

9129. Do you mean that it is illegal to keep a public-house open, or that it is illegal to give drink?—It is illegal to give drink, or to keep open house.

9130. Was not it so before that Act passed?—It was always illegal, but it was a common practice before the ballot was introduced for the candidates through their friends to keep open house in public-houses, with the view to influence voters to vote for them.

9131. Do you consider that the uncertainty which the ballot introduced into what may be called the contract between the man who gives the drink, and the man who is expected to give the vote, has had great effect in preventing the distribution of drink?—I believe it has, because the Act provides that no action at law shall lie against any candidate for any expenses of any kind; so that any man who was to supply drink in the hope that the candidate would pay for it afterwards, has no means of enforcing payment for it, supposing that the candidate says that he will not pay.

9132. Is there any other point in which you have observed a difference between the before and the after?—Those are the two principal points, the cessation of rioting and drunkenness and the cessation of the great expenses of the election; it also prevents ill blood arising between neighbours and friends.

9133. Looking at the ballot as a mere question of machinery and as a mere mode of voting apart from its acting as a shelter to the voter, have you observed that the quiet of the polling day has been greatly observed by the fact of the state of the poll being unknown?—Yes, I think that it has a very material effect in keeping people quiet, because it is well known that nothing can be ascertained during the time the voting is going on, and it is generally the next morning before the result is known.

9134. And as men in going to the poll or coming from it cannot be distinguished as belonging to one party or the other, are they not less subject to insult and occasionally to mob violence than they were before?—Precisely; there is no difficulty whatever now for a voter to approach the polling booth, but in the time of the open voting, as I have said, it was sometimes as much as a man's life was worth to cross the street to get to the polling booth.

9135. Apart from the question of the moral results of the ballot in ensuring absolute secrecy, and freeing the voter from any oppression or intimidation, as a mere matter of machinery of electing, is your opinion strongly in its favour?—Very strongly. I believe that the machinery under the ballot is much more simple and much more effective than the machinery under open voting.

9136. There are two sorts of influence which a man may exercise in an election; one which we all allow, which is unavoidable and legitimate, and another which is just the contrary of all that; whilst the ballot destroys the one which is generally condemned, what is its effect upon the other;

other: that is to say, in the case of a man who is wealthy, or who is cultivated, or generous, or able, or supposed to be wise in public affairs, does not the operation of the ballot leave all that personal influence to its full effect?—I should say that it would have a greater effect; it would induce many quiet thinking people to take an interest in elections when, otherwise, they would not. I have known many instances of people of great respectability and wealth, who would have nothing to do with elections, simply because they would not expose themselves to the annoyance of mob violence, having to force their way through a multitude to get to the polling place.

9137. With some of the opponents of the ballot in this country, one argument has been that it would prevent the influence which every good man has in his sphere from having its due effect, that the ballot, whilst screening a man from mob violence, would, some how or other, relieve him from the better influence, it may be, of some neighbour with whom he was acquainted; do you observe at all that the legitimate influence of any of the eminent members of your population has been diminished by the ballot?—I should say, certainly not. On the contrary, the likelihood would be that it would be increased by it, for the very reason that people could turn their attention to politics with more satisfaction to themselves.

9138. On the question of personation, is there any difference between ballot and no ballot; in both cases a voter comes into the polling booth, and he gives his name; it is found upon the register and ticked off, and he votes either by open voting, as here, or by ballot, as with you, but the question of personation remains, does it not, absolutely untouched by the ballot?—Yes, the question of personation is precisely the same under both systems. If a man will run the risk of personating another man he can do it just as well under open voting as under the ballot, and there is no means of preventing a man running that risk.

9139. Mr. *Hunt.*] Is it any one's interest, under the system of the ballot, to object to a person who was personating a voter?—Yes, decidedly, because you cannot possibly tell whether one vote may not turn the election.

9140. Mr. *Bright.*] With regard to the question of expenses and the distance of travelling, I suppose people do not go all the same distance to church in your colony, do they?—No, they do not; some of them have to go much further than others.

9141. Or to market?—No, or to market.

9142. Or to their business?—No.

9143. And it is not considered a hardship that one man goes five miles and another goes 10?—Not the least.

9144. You have probably heard of a squatter going 100 miles to vote?—Yes, very often; and 200 miles even.

9145. How long have you been away from the colony?—I left the colony in September 1865. I have been in England four years.

9146. During the time that you have been in England this subject has been frequently brought under your notice I believe?—Yes, frequently.

9147. From your personal knowledge of what is going on in the colony, are you able to assure the Committee that the opinion in favour of the ballot remains unchanged, and that continued experience confirms the people in their approval of it?—Undoubtedly. I am in constant communication with people in the colony, and I constantly read the newspapers which come from the colony, and therefore I am quite *au fait* as to what is going on there, and I can speak positively that there has not been the slightest change of opinion.

9148. Mr. *Gathorne Hardy.*] Are there more or fewer contests since the ballot was introduced?—I can scarcely speak to that point. The contests would depend entirely on local influences, and they would depend on the individuality of the candidates themselves. I do not think one could lay down any rule for that.

9149. Do you think that there are more changes of representatives under the new system than there were under the old?—No, I do not believe that there are; I believe it depends entirely on the members themselves; if they prove themselves to be useful members I have seen no disposition in the constituencies to change them.

9150. In that particular case of Mr. Dunn means appear to have been adopted to bring up voters?—Yes.

9151. But are there committees, or agents, taking any part for candidates in bringing up voters to the polling-booth, or do they go up separately?—It is illegal to do so; and of course the election would run the risk of being vitiated even without any interference of the candidate himself, if it were proved afterwards.

9152. You do not mean to say that it is illegal for persons to bring up voters walking with them if they do not pay any expenses for them?—No; there is nothing to prevent a man walking up the street with another man

9153. What I want to know is, as a matter of practice, do persons voting under the system of the ballot go spontaneously or singly, or do they go in bodies to vote?—They go singly. You never find them now going in bodies. They go just as they like. Some go in the morning, some go in the afternoon, but all voting must be concluded in the day, between nine and five o'clock.

9154. What number of polling-places, in proportion to the population, have you?—I should say that there is a polling-place for every 500 electors, or thereabouts.

9155. What is the greatest distance that anybody has to go?—I should think about five miles, on an average, in the country districts.

9156. In the towns, of course, it would be a great deal less?—Yes; it is a great deal less in towns.

9157. Sir *Michael Hicks Beach.*] Is there much anxiety to get a seat in the Lower House in South Australia?—Yes; there are always a great many more candidates than there are seats.

9158. What was the average expenditure at an election before the passing of the ballot?—It varied. My own election for the City of Adelaide cost about 400 *l.*, but I have just stated that, it is believed some candidated have had to pay 2,000 *l.*, 3,000 *l.*, and in one case 4,000 *l.*, at a time of considerable political excitement; they could afford the money, and were determined to get in, and the money very soon went.

9159. Of course, as a rule, the sums paid are not quite equal to those that are paid in England?—No;

Mr. *F. S. Dutton.*

18 June 1869.

No; I should think it never exceeded 4,000 *l.* and this would be an exceptional case.

9160. Do you think that the fact that the ballot has put down bribery in South Australia is a strong argument for supposing that it would do the same in England?—I very little doubt that it would; of course I cannot speak positively about that.

9161. There would not be the same temptation?—There would not be the inducement for bribery.

9162. There would not be the same temptation for corrupt voters to organise themselves into clubs, as the Right honourable Member suggested, in South Australia, as there might be in England?—I have no doubt that the effect in England would be quite as beneficial as out there.

9163. In spite of the temptation to corruption being greater?—I think so; there is no question about it.

9164. Did you hear Mr. Torrens' evidence?—I was in the room, but sitting at the back I could not catch the whole of it, but I heard most of it.

9165. I think Mr. Torrens said something as to the fact that one political party had been practically annihilated in South Australia by the result of various measures with regard to elections?—I do not know to what that referred.

9166. He said that in former times there had been a marked difference between political parties in election contests, but that the result of various measures with regard to elections had been the annihilation of one party?—I should say that there are no parties now in South Australia as there are in England; there are no Conservatives and Liberals as in England.

9167. Mr. *Gathorne Hardy.*] Were you an advocate of the ballot before it was introduced?—I take credit to myself for being the father of the ballot in Australia; I was the first who ever introduced the subject in any British Legislature in Australia.

9168. Then you have a parental affection for it?—Decidedly; but not alone that; I can safely say that no act of my political life has given me so much satisfaction as what I did 15 or 16 years ago with reference to the ballot, because, if that is possible, I am more strongly in favour of it now, after 15 years' experience, than when I introduced it before I had any experience about it.

9169. Sir *Michael Hicks Beach.*] This is what Mr. Torrens says in answer to Question 8808: "Popular men are supported with the view to their getting into the Ministry, and men will support measures, such as reducing the price of Crown lands in the colony, and measures of that description which are popular." Then he goes on to say, in answer to the next question but one: "The fact is, that every man is seeking to get office, not so much for the emoluments, as for the *entrée* into the Government House, and the position in society that is given him by being a member of the Administration." Is that a correct description of the political state of South Australia?—I think it is a little exaggerated; I do not think it applies to all.

9170. Is that the general state of feeling among politicians?—I do not think it is; of course every man who gets into Parliament, if he is fit for it, would naturally look to working his way up to obtain a seat in the Administration, but unless he is fit for it, he would have no more chance of doing it than a man would have it in England.

9171. Can there be said to be party government in South Australia?—Not in the sense that it is understood in England; there are no Conservative and Liberal parties.

9172. What, in your opinion, has been the result of this change in the system of election upon the Government of the colony; is it better conducted than before, or worse?—I should say it is better conducted, for the simple reason that now we have absolute control over our own affairs, which we had not before that system.

9173. How do you mean that you have absolute control over your own affairs?—Because, under the old system, the Governor, as the Queen's representative, had the absolute disposal of the waste lands of the Crown, but under the present constitution the British Government made over to the Legislature that control which formerly rested with the Governor.

9174. I am rather speaking of the effect of the composition of the House of Legislature upon the Government of the colony, arising from the ballot and those other measures; do you think that the difference which exists now in comparison with the former composition of the Legislature, in fact the absence of any party feeling, has had a beneficial effect upon the Government of the colony or not?—I think there is no question about it; the only inconvenience of our present system is, that administrations are not very long lived, but if they are turned out, other men, equally capable, are put in their places.

9175. Is not it a regular system of intrigue to get office?—No; that has no effect upon the general policy of the country.

9176. Do you think it is no injury to the colony that the Legislature should be composed of such persons as Mr. Torrens described?—Not the slightest; I say it is very much to their credit that they are there, because it is through their good qualities that they have attained to that position.

9177. Taking that description to be even partially accurate, do you think that the politicians of the kind that he described are politicians of good quality?—All I can say is, that I have never found any of the members of different administrations who were not quite fit for the position; they have never done anything to disgrace the position, and consequently I would draw the conclusion that no ill effects would flow from it.

9178. What inducements do they hold out to the electors to vote for them?—None whatever; they do not hold out any inducements. Of course when they attend the electoral meetings many subjects of local interest are sure to be brought to the notice of the candidates, and I do not see any impropriety in a candidate stating that if he was returned he would pay due attention to those local matters.

9179. But is there not something more than that; does not a candidate very generally promise that he will support a large expenditure of public money for the benefit of his constituency?—No; I deny that *in toto.*

9180. I asked Mr. Torrens that question, and he denied it also, and you agree with him?—Yes; I deny that *in toto.*

9181. You partially agree with Mr. Torrens' assertion, I think, as to the extinction of the Conservative party?—The Conservative party, whatever that may mean, is still in existence there;

there; but the subject never comes up; we can discuss politics there without its ever being brought to the test of those two points which in England are so strongly insisted upon.

9182. Sir *George Grey.*] Is there a party there which calls itself Conservative, as distinct from a party which calls itself Liberal?—Not at present; there was formerly, but not now.

9183. Sir *Michael Hicks Beach.*] You do not attribute the absence of rioting, which you have spoken of, in any degree to the extinction of the Conservative party which formerly existed?—I attribute the absence of rioting entirely to the operation of the ballot, and nothing else.

9184. Do not you see that if by the operation of the ballot and the adoption of a different suffrage, with the other measures which have been spoken of, the result was to place the whole of the power in the hands of one particular party to the extinction of the other; the party which had the power naturally would not riot?—I cannot say that it has had any effect of that kind, because our parties were never so clearly defined as that.

9185. Then you attribute the absence of rioting to the introduction of the ballot only, and not to the extinction of the other party?—Not to the extinction of one party.

9186. Mr. *Cross.*] I presume that what you have handed in represents something like the voting papers which are used?—Yes.

9187. Who prepares those voting papers?—The returning officer.

9188. Is there any particular way in which they are folded up when they are put into the box?—They are folded up across and down the middle, and the initials of the returning officer are on the outside of the paper, folded up as it is before you, so that when he gets it back he can see that it is the same paper that he issued out.

9189. Are the initials of the returning officer put on the paper before the man takes it into the room?—Yes, before the returning officer gives it to the elector.

9190. Does the voter put the paper into the ballot box himself, or give it into the returning officer's hands?—He gives it to the returning officer, and the returning officer puts it into the box, that is the process.

9191. What kind of paper is it on?—It is some kind of paper which would not be transparent, so that you cannot see the marks through it.

9192. Is there any particular mark upon the paper like our bank notes, or anything of that kind, to make it Government paper?—No; it has not been thought necessary to do that.

9193. Would there be any possibility in the way that voting is carried out in South Australia for a man to put two papers inside instead of one?—I think not; because the moment it was given to the returning officer he could tell at once whether it contained one or two papers. I should think that there was no risk of that.

9194. Do you know, as a fact, whether or not there are more papers found in the box sometimes than people who are supposed to have a vote?—Never in our colony.

9195. Do they take the number of the people who vote; is there any officer who ticks off the name as every man goes to vote, so as to take the number of them?—It is the duty of the poll clerk, under the direction of the returning officer, to do that; as the voter comes into the booth his name is ticked off in the electoral list.

9196. Then is it the duty of any officer, when making up the returns, to see that the number of papers in the ballot boxes correspond with the number of people who are supposed to have voted?—Yes; that is done on the scrutiny after the ballot boxes are opened.

9197. You said that a candidate might not go about canvassing, and I see there is a clause in the Act which prevents his doing so; how long is that supposed to be in force; how many weeks or months before the election?—It varies; sometimes the elections take place within a shorter time than at others.

9198. Supposing that the House of Assemby is sitting at the present moment, and you were likely to have a general election soon, should you come under the penalties of the Act if you went to a man and said, "At the next election will you vote for me if I stand"?—I should think I would, decidedly.

9199. *Chairman.*] In this law which you put in it is said that no candidate is allowed to canvass the electors personally, or solicit votes personally, or address or attend meetings of electors, within 24 hours of the time appointed for the nomination; is that the case at present?—There was an amendment of the Act with regard to some formalities in some details in 1859. Candidates may now address meetings within 24 hours of the nomination; and also immediately after the official declaration of the poll. Letters proposing candidates may be delivered to the returning officer any time up to noon of the day of nomination.

9200. Did I rightly understand you to say, in answer to the Honourable Member for South Lancashire, that a candidate was not allowed to canvass the electors personally at all?—No, he is not allowed to canvass the electors personally.

9201. Sir *George Grey.*] The words are: "It shall not be lawful for any candidate for election as a member of the Legislative Council or House of Assembly, to solicit personally the vote of any elector, or to attend any meeting of electors convened or held for electoral purposes, if such meeting be held within three days of the day appointed for the nomination of candidates for any electoral district"?—He is not allowed to attend any meeting within 24 hours of the day appointed for the nomination.

9202. Mr. *Cross.*] In fact, the prohibition of canvassing extends to all times?—Just so; he never dares ask any man for his vote.

9203. Are there men sent about to canvass for him?—His friends do that. Every candidate is supposed to have a number of friends, who are desirous of getting him elected, and they form themselves into a committee; that is not illegal.

9204. I presume you have seen an election in England?—Yes, I am an elector for Westminster.

9205. And you know the system of canvassing?—Yes.

9206. Does that go on in South Australia?—No.

9207. But it is the duty of the friends who go about, and who may canvass, to take a book with them, I presume?—No, they do not. Canvassing, as far as it can be called canvassing, is more in the shape of holding meetings and making speeches in favour of the candidate; but they never make out any lists of the parties who are likely to vote one way or the other, as that would be useless under the ballot.

9208. Are the friends of each party, before the eleciton comes on, able to make a tolerable guess

Mr. *F. S. Dutton.*

18 June 1869.

whether their candidate is sure to win or not?—Generally speaking, both sides express great confidence of returning their candidate.

9209. But do they make an estimate of the people who are expected to vote for the candidate?—Yes, but they have no means of knowing whether that estimate is true or not; but I have always found that both candidates are equally confident of success.

9210. You say that there has been much greater quietness in the carrying on of the elections since the ballot has been in force; I presume by that you mean, since that the Ballot Act has been in force?—Since the Ballot Act has been in operation.

9211. But you do not mean to lead the Committee to believe that all that additional quietness has arisen from the ballot?—Yes, I am quite positive it has.

9212. But I think you have told us that there are very often riotous meetings held?—Yes, that is still the case, before the day of nomination.

9213. Do not you think that the operation of this Act, by stopping the holding of meetings for three days before the election, has been the means of making the elections quieter?—Meetings may be held up to the evening before the day of election; it is the rioting at the nomination and polling which has been effectually done away with by the ballot.

9214. Would not that have been the case whether the votes in the end had been given by the ballot or by open voting?—I do not think so.

9215. To a great extent, at all events?—Yes, it might, if meetings had been prevented for three days prior to election under open voting; but people knowing that their votes will be absolutely secret, that of itself has a very calming influence.

9216. But at the same time the stopping of those riotous meetings for three days must necessarily of itself have a great tendency to make them quieter?—The electors may meet up to the night before the election, only the candidate may not address them within 24 hours of the nomination.

9217. Are those meetings riotous up to the last moment?—I would not exactly say riotous, but they are lively, boisterous.

9218. With regard to public-houses, that provision which I see in the Act about public-houses, I presume, was not in force under the old law?—It has always been illegal.

9219. But, practically, it was not acted upon?—Practically it was not acted upon.

9220. That, no doubt, has had a very beneficial effect upon the elections?—No doubt of it.

9221. Mr. *Villiers.*] Are the public-houses closed on the day of the election?—No, they are not.

9222. Mr. *Cross.*] I think Mr. Torrens told us that he had taken the existence of Administrations in South Australia for a great many years, and that the average was about seven months?—I have not made up the average, but some of our Administrations are rather short; I myself was a member of one Administration for 21 months, which was considered a very good period; of another which lasted only 11 days; and of another for six months.

9223. There is at the present moment no great political question which is disturbing the South Australian Colony, is there?—No.

9224. In fact, they are all local matters chiefly?—They are local matters which crop up just at the time, the excitement caused by which is forgotten as soon as it is all over.

9225. How do the members vote in the House; do they vote as they do here, one party going into one lobby, and the other going into the other lobby?—No, we vote by going to different sides of the House, without leaving the House.

9226. Sir *Michael Hicks Beach.*] Is there now a regular ministerial party, or opposition party in the House?—Yes, there always is.

9227. And it is known to which a member belongs, and which way he is likely to vote?—Yes, to a certain extent it is; but the Ministry cannot always rely upon their supporters.

9228. In fact, there are parties in the House, though not among the constituency?—Yes.

9229. Mr. *James.*] Had you any experience in elections prior to 1858?—Yes, I was returned for the first time in 1851.

9230. Did personal bribery exist then?—I really would not say much about bribery. I have no reason for saying that bribery, as it is understood in England, has ever been resorted to; my principal experience was with regard to treating.

9231. What was the tribunal for trying contested elections before the Act of 1858?—I think it was very much the same as at present.

9232. Did a judge preside before 1858 with assessors of the House?—Yes; it was very much the same, I believe.

9233. Were any members ever unseated for treating?—I think not. I think there were only two petitions altogether.

9234. Were those two for bribery since 1858?—I do not recollect what the first petition was for. I think one was, as I have stated, for bringing up electors.

9235. Is the Act of 1858 that you speak of, the only Act touching corrupt practices that you have?—No, there was a previous Act to that; No. 1, of 1851.

9236. Is that Act still in force?—No, it is superseded by this Act.

9237. Then all the penalties for bribery or treating are contained in this Act?—Yes, this Act was passed consequent on the passing of the Constitution Act of 1855-56, and necessarily superseded the Electoral Act, No. 1, of 1851.

9238. There have been none subsequently, or contemporaneous?—This is the one that we are now acting upon, with some slight subsequent amendments in minor details.

9239. Does this Act contain clauses with reference to corrupt practices as well as the mode of voting?—Yes.

9240. I suppose that there have been no prosecutions at all for corrupt practices before any of those tribunals?—No.

9241. Do they employ paid agents as well as the friends of the candidates to canvass?—Yes, I think the committees who form themselves to support any particular candidate send agents about the country.

9242. Do those persons canvass the same as paid canvassers here do?—Not in the same way. See Questions 9203 and 9207 ante.

9243. Do not they make returns of their canvass?—No, I do not think they do. See Question 9207 ante.

9244. What does that proceed from; is it that the population is so scattered?—No; I fancy that the object of not doing it is that it is valueless. It would be of no value to them to have a list

list of names, when they cannot tell whether they will vote for a particular candidate or not. A promise would be of no value, and the object of sending agents about the country is more for the purpose of holding meetings, and at those meetings to make speeches, and recommend some particular candidate.

9245. What is the penalty for a Member canvassing; does it lose him his seat?—I think that it would come under the same clause as Mr. Dunn's case, who lost his election.

9246. Do you think that the ballot has altered the class of representatives in the Assembly?—I do not know that it has very much altered the class of men. I have generally found that the people who have been sent as representatives into the Legislature, have been people who are very well qualified for it, and very proper men.

9247. Do they form the same class of men, that is to say, are they equal in intelligence and education to those that were returned before the ballot?—Yes.

9248. And you think no greater power is given to any particular class?—Certainly not, excepting, of course, that universal suffrage gives greater power to the working classes than they had under the more restricted franchise of the law of 1851.

9249. What is the general class that are elected; do any uneducated men get returned in South Australia?—That is a very wide term, to say uneducated; it would be difficult to say.

9250. Do any men in a different relative position to Members in England get returned; any men of quite the lower orders in Australia; any working men, for instance?—As I have already said, no one has ever been returned, within my experience, whom I did not consider quite fitted for the position.

9251. Mr. *Dalglish.*] If the ballot was done away with, and there was a return to the old system of voting, do you think that the elections would be as quiet and orderly as they are at present?—I am quite sure they would not.

9252. Mr. *Whitbread.*] Bribery voids an election; but does personation void an election?—No, personation would not void an election, because the Electoral Act prescribes that no proceedings are to be taken before the Court of Disputed Returns, having reference to a vote; once a man's name is on the electoral list, you are not allowed to take any exception to it after the list has been revised; therefore a personation would only make himself liable to the punishment for misdemeanour, which is two years' imprisonment.

9253. Do you mean to say that personation with the connivance of the candidate or his agents would not void an election?—The case has never arisen, therefore I cannot say what the effect would be; and I think that personation would so very rarely be resorted to, that I would not myself attach any importance to it.

9254. Mr. *Staveley Hill.*] According to the Act, if the voting paper was wrongly folded, would it be had as a vote?—The paper must be folded in such a way, that the returning officer cannot see the mark. The words are, "Provided that no voting paper shall be received unless it be so folded as to render it impossible for the returning officer, or any other person, to see for what candidate or candidates the vote is given."

9255. Have you known many papers rejected on account of being wrongly folded?—I have never been present myself at any scrutiny, but there are a good many informal votes at each election, and they are thrown away.

9256. And the man is not allowed to vote again?—No, the vote is rejected on the scrutiny.

9257. Have you known many attempts at personation?—I have not known a single case of attempt at personation within my knowledge.

9258. I think I understood you to say that each party appoints a scrutineer?—Yes.

9259. Why does each party appoint a scrutineer?—It stands to reason that the scrutineer for each candidate is supposed to watch over the interests of the candidate.

9260. If you do not know which way a person is going to vote, or which way he has voted, why should each party have a scrutineer there?—The great object of having a scrutineer is to see that the parties coming up to the returning officer to get their tickets are voters, and I have explained that scrutineers are generally selected from their local knowledge.

9261. If a vote is completely unknown, and the way in which a person is going to vote is completely unknown, would it not be as well to appoint only one official for the purpose instead of each party appointing one?—No, I think our plan is the best, to allow each candidate to have a scrutineer.

9262. Does not that seem to point to this, that they know which way a person is going to vote?—No, I do not think it does.

9263. What takes place upon an objection, supposing a person comes up, and the scrutineers say, "You are not Adam Smith," what takes place?—He would have to produce credible witnesses to show that he was Adam Smith; he would have to bring some neighbour or produce some other proof that he was the person he represented himself to be.

9264. Is that provided for in the Act?—Yes; and there are certain questions which the returning officers are allowed to ask.

9265. Supposing 20 persons are guilty of personation, and their votes are taken, though they may be punished, will the election remain?—Yes, the election will remain.

9266. You say that you were once nominated and elected in your absence; how did you manage with regard to the provision that a candidate must signify his consent to act if elected?—I was on my way out, and I had written out to say that I would stand again. It was my own county, and my letter was taken by the returning officer as sufficient, although written from England, and written before the election; in fact, I was returned by the same constituency. I do not think it was quite regular.

9267. Sir *Frederick Heygate.*] Are there many Irish in Australia?—Yes, a good many.

9268. Do they take any interest in elections?—A very lively interest.

9269. Do they take as much interest now under the ballot as they formerly did without?—Yes, the Irish, I think, take more interest in elections than either the Scotch or the English.

9270. Do you find that the ballot, as applied to them, answers as well as to any other part of the constituency?—I think they are just as well satisfied with it as the English or Scotch.

9271. Mr. *Villiers.*] Are they generally Catholics?—Yes; the Irish are generally Catholics.

Mr. *F. S. Dutton.*

18 June 1869.

9272. Sir *Frederick Heygate.*] Are there not two parties amongst the Irish there as well as in this country?—I have no doubt that there are some Protestants amongst them, but the great bulk of the Irish, I believe, are Roman Catholics.

9273. It has been stated before this Committee that the great political parties are nearly extinct out there; is that the case with regard to the Irish population?—Certainly; it is the case with them, because there are no political platforms to go on.

9274. In this country the politics of Irishmen usually partake more or less of a religious character, do they not?—Yes, but that is not the case with us. I have never found any religious animosity there.

9275. Can you explain why a difference exists between this country and that in that respect?—Probably the reason is, that all religions are equally free and unconnected with the State; but with us it is more a question of who the candidate is. If he is genenerally acceptable they never stop to inquire what his religion is. I may say that I myself am a Protestant, but the Roman Catholics have always been staunch supporters of me.

9276. I am not alluding to the religion of the candidate, but religious questions, and also questions of education, which are questions of great interest in this country, do not they exist there?—Yes, but those I would class as questions of local importance only, as contradistinguished from real political subjects, such as they are in England; subjects affecting the Conservative or the Liberal interest.

9277. Surely you do not call questions of religion or education questions of local interest; they must be of interest to the whole colony?—Precisely so; and therefore I would say that they would not be questions affecting Conservatives or Liberals, but the whole of the community, and on that account they would not divide the community into two parties, between Conservatives and Liberals.

9278. But those questions have not lost their interest in Australia, have they?—Quite the contrary.

9279. Did you ever know elections turn upon those questions?—Not upon the question of education; but the question of education is almost always made one of the questions at each election.

9280. Do the clergy ever take any prominent part in elections in Australia?—Not any prominent part.

9281. Do they take any part?—They are allowed to vote, but they do not take any prominent part.

9282. Do they take no part beyond merely voting?—They do not attend any of the meetings; the conduct of the clergy of all denominations is exceedingly proper and respectable, and always has been in South Australia.

9283. Sir *George Grey.*] Do the Catholic priests take any part in elections?—Merely as individual electors.

9284. Sir *Frederick Heygate.*] Are there no disturbances at the polling places?—Never at the polling places; there are slight disturbances at the electoral meetings before the elections, but never at the polling booths.

9285. Did you never know of any disturbance at the place where the ballot was taken, arising from the Irish element in the population?—Never at the polling booth.

9286. Do you think that if the ballot was applied to Ireland the same result would follow?—If you wish for my opinion, I should certainly say yes; I say that the ballot would have the same effect everywhere; whether it is in Kamschatka or in Ireland, I am in favour of it.

9287. Mr. *Bright.*] With regard to the question which the honourable Baronet put to you about ministers, do Catholic priests take any more prominent part in elections than the ministers of Protestant churches?—I cannot say that they do; the Irish have always taken a great interest in elections, and I dare say that the Irish priests would on that account also take an interest.

9288. Do they attend meetings and harangue the populace?—No, they never do.

9289. Is there any feeling in the colony that the vote of the Catholic population is determined, not by their fair sense of public affairs, but by any secret pressure on the part of the priesthood?—I believe not.

9290. Mr. *Villiers.*] Is there any belief that the priest learns how they vote after they have given their vote?—I never heard of it; I never heard the question mooted at all, or any doubt expressed about it.

9291. *Chairman.*] As to the provision of the Act which forbids a candidate to canvass personally, is it found that that operates practically to restrain candidates altogether from a personal canvass?—Entirely.

9292. What is the reason of that strict prohibition with regard to the candidate?—I think that it is a very wholesome provision; I think that a candidate ought to hold himself quite aloof from personal canvass; the fact is, that a candidate could not go to anybody, and particularly to any tradesman, to ask him for his vote without, to some extent, putting a pressure upon him, and, therefore, I think it is a very wholesome provision.

9293. What would be your opinion of extending that provision to the prohibition of all personal canvass, either by the candidate or his friends?—Canvassing is really of very little practical value, because if 500 men were to say, "We will all promise you faithfully to vote for John Thomas," when the election came on not a soul can tell whether all of those 500 men will not vote for John Jones or the opposite side.

9294. Surely whatever pressure could be put by a candidate on an elector, the same pressure might be put by the candidate's friends?—It might, certainly; but in practice it has not been found so.

9295. If it would be bad in the one case why should it not be bad in the other?—I, myself, think that a candidate is much better restricted from all personal intercourse with electors.

9296. Do you not think that that provision might be beneficially extended to the prohibition of all personal canvassing?—I would rather allow the electors to have full scope to exercise their opinions, and to do what they can for their candidate; I do not think that electors should be too much restricted.

9297. Mr. *Villiers.*] You would not put down paid agency for canvassing, would you not?—I do not think there is any paid agency in existence in South Australia.

9298. It is not illegal, is it?—Yes, it is illegal to this extent, that the candidate must never repay

pay a farthing of it; he cannot be compelled by law to pay any expenses that are incurred.

9299. Is it a large proportion of the electors who vote upon each occasion?—I have mentioned the proportion; from 60 to 70 per cent., as well as I can make out from the different returns.

9300. Do you find that there is no difference in that in consequence of the ballot?—No; I think that it is principally owing to causes over which the electors have no control; it might result from causes, which would arise under both systems; but under the former system there was the same per-centage.

9301. Under the former system there were a number of voters, were there not, who shrank from voting?—Yes.

9302. *Chairman.*] You stated, did you not, that you had a good deal to do with the introduction of the ballot?—I was the first who introduced a motion on the subject in the legislature.

9303. Did you then, or have you since, examined many different systems of secret voting?—No, I am not practically acquainted with any system excepting our own.

9304. When you were considering the introduction of the ballot, did you not consider what system would be the best?—No; the first discussion that we had upon it was simply with a view to get the legislature to adopt the principle without entering into details.

9305. Having adopted the principle, how was the particular mode decided upon?—It took several years before we carried the ballot, but I proposed the subject in the very first Session in 1851.

9306. Sir *George Grey.*] Who drew this Act with the minute provisions with regard to the mode of taking votes?—That Act was prepared by the Government itself; I was a member of the Administration in that year (from September 1857 to June 1859).

9307. I presume that you did not suggest all those details yourself?—No; they were all suggested by different members when the Act was discussed.

9308. Mr. *Bright.*] After the principle had been accepted, it became the business of the Government, did it not, to propose some mode of carrying that principle out?—Just so.

9309. Do you know at all whether they made any inquiry; whether they had any committee or any mode of investigation to ascertain the different plans that might be adopted?—No, I do not think that there was any committee of investigation as to details; I think the details were sketched out by the then attorney general, the present Chief Justice Hanson, and they were afterwards modified and added to in discussion in the House.

9310. And on the whole they have been successful?—On the whole they have been very successful; there was a slight alteration afterwards, but not in any leading point.

9311. *Chairman.*] Had the ballot been adopted in any other Australian colony before it was adopted in South Australia?—It was adopted simultaneously in Victoria and South Australia, and afterwards in Tasmania; I think Tasmania followed us, and Sydney, I believe, was the last of all.

9312. You had no experience to guide yourselves by except the experience of the ballot in America?—Just so; we had nothing to go upon excepting what we could pick up from books.

9313. Your mode of voting is very different from the American system, is it not?—I believe it is; but I do not profess to any very accurate knowledge of the American system, only in general terms.

9314. Mr. *Brand.*] Have elections been more or less expensive since the adoption of the ballot?—They are very inexpensive now.

9315. Are they less expensive now than they were when you had open voting?—Yes, much less expensive.

9316. As to canvassing, has there been more or less canvassing since the adoption of the ballot?—There has been less canvassing since the adoption of the ballot than there was before, because, under open voting, the canvass was conducted precisely the same as in England; lists were made out, and every man was canvassed.

9317. You stated, in answer to an Honourable Member, that there were two members for each electoral district; is that so?—Yes.

9318. Did I not understand from Mr. Torrens that the city of Adelaide was divided into three wards, and each ward returned one member?—That was formerly; but the present division of electoral districts divides the city of Adelaide into east and west.

9319. There are there two members for the east division and two for the west division?—Yes, that is the present electoral distribution.

9320. Sir *George Grey.*] Is it the case that the ballot was not introduced into South Australia until after universal suffrage had been established?—Universal suffrage was established by the Constitution Act itself.

9321. At what date?—In 1855-56.

9322. And the ballot was established in 1858, two years afterwards?—Yes.

9323. It was never in force when the constituency was more restricted?—No, it was not.

9324. What is the smallest constituency in any one district in South Australia?—We endeavoured to make the electoral districts as equal as possible; and the electors in each of those 18 districts, on the average, would be about 1,500, or nearly 26,000 electors in the 18 districts.

9325. You were asked some questions as to the possibility of bribery being carried on under the ballot, by a gross sum of money being given to be paid, upon the return of a particular member. Do not you think that that would be a much more easy process in a very small constituency of 600 or 700 than it would be in a large one?—Yes, no doubt it would be more easy in a small constituency than in a large one.

9326. Sir *Frederick Heygate.*] Is education compulsory in Australia?—No, not compulsory.

9327. Is it assisted by the State?—Yes.

9328. Mr. *Raikes.*] Has the general effect of the ballot in Australia been, you think, to extinguish bribery?—I believe it has.

9329. Have you seen a telegram in the paper, to-day, from Melbourne, to this effect, that members who had been expelled for bribery had been re-elected by their constituents?—I have, and I am very sorry to see it.

9330. Sir *Michael Hicks Beach.*] Referring to the question asked you by the Right honourable Member for Cambridgeshire, as to the reduction of expenses of elections since the adoption of the ballot, you refer, do you not, merely to the illegal expenses?—I refer to all expenses. My own

Mr. *F. S. Dutton.*

18 June 1869.

expenses the last time I was elected under the ballot only amounted to between 45 *l.* and 50 *l.*

9331. But, comparing the amount expended under the old system and under the new, did your answer refer to legal expenses or to illegal expenditure?—Entirely to legal expenditure. I do not assume that there is any illegal expenditure.

9332. In what way have the legal expenses been diminished since the introduction of the ballot?—I have already explained that, under the open system, the great expense was the keeping open of public-houses.

9333. Was not that illegal?—It was illegal, but still it was done.

9334. Do you mean that the diminution had been in the legal expenses or in the illegal expenses?—I mean in the expenses altogether; in fact, the only expense which we are put to now is the paying for the advertisements in the newspapers, printing, and posting placards, and such like expenses.

9335. I want to know whether an election in South Australia can be conducted legally more cheaply under the ballot than it could be under the old system?—I think that the legal expenses are pretty much the same as they were.

9336. Therefore the difference is in the illegal expenses?—Yes.

9337. *Chairman.*] With reference to that point, was it not legal formerly to employ paid canvassers under the open system?—I am not quite sure whether that was a legal expense or not.

9338. Mr. *Brand.*] Are we to understand that the adoption of the ballot has tended to diminish the illegal expenses?—I think the illegal expenses have disappeared altogether; it has not alone diminished them, but they have disappeared altogether.

9339. Did they exist before the ballot was adopted?—Yes, to a very considerable extent.

9340. Mr. *Hunt.*] Who pays the expenses of conducting the elections?—The Government pay all the expenses of ballot boxes, polling booths, and everything of that sort, and of the officers who preside at the polling places. I will deliver in a return of one general election by which the Committee can see the details (*delivering in the same*).

9341. Mr. *Villiers.*] Are the people who are returned generally people in business?—Partly in business, and partly gentlemen of landed estates, and partly squatters or people who have large sheep stations.

9342. But they are chosen freely without reference to their occupation or their origin?—Yes, quite freely and independently; it is only a question as to whether the man is considered fit for the position, and whether he is popular.

9343. You stated, did you not, that no religious feelings enter at all into the consideration?—Not at all.

9344. And Irish gentlemen are chosen for the Government just as much as English?—Yes.

9345. Mr. *Hunt.*] The return which you have handed in of the expenses of a general election, applies, does it not, to both Houses?—Yes, both the Legislative Council and the House of Parliament.

9346. I see that they are classified under different heads, copies of electoral roll, certificates, notices of writ, and so on; do those fall on the public?—Everything connected with the machinery of the election is paid by the Government.

9347. I also observe that in one case there is one item for "costs of scrutiny"; what does that refer to?—That is the scrutiny of the votes after the ballot boxes are opened.

9348. Mr. *Cross.*] Then are there no other legal expenses?—None whatever; all the public expenses are paid by the Government.

9349. Then the candidate cannot legally spend a farthing himself in any way?—Excepting that he has some expenses in addressing the electors through the newspaper advertisements, and so on.

9350. Has he to make any return of his expenses to an election auditor or anything of that kind?—No.

9351. *Chairman.*] Have you any other suggestion to make to the Committee?—There is one other point which I wish to mention. A question arose as to the voting of people who could not read. That we have already disposed of, and then another question arose as to people who might be blind, how they could vote under the ballot. It occurs to me that in the first place there would be very few blind people, but I do not see that even a blind man should lose his vote, because there might be a zinc plate of exactly the same size as the voting paper, and it might have squares cut out to fit exactly over the squares on the voting paper, so that a blind man would very easily in that case be able to vote; he would be able to make his mark exactly in the square opposite the name of the candidate for whom he wished to vote, and the names being printed alphabetically he would know which square to make the mark in.

9352. Mr. *Bright.*] If a man goes into the retired part of the polling booth to give his vote, and is totally unable to read, and, in fact, incompetent to do it, is any person ever deputed to assist him?—No, he is not allowed to have any assistance; if he cannot do it himself his vote fails. I cannot say that I have very much sympathy for those who lose their votes because they cannot read.

9353. Mr. *Cross.*] Do you know whether there are many votes given which are lost in consequence of being improperly filled up?—Yes, I should say about fully five, six, or seven per cent. of all the votes are illegal in some way or other.

9354. Are they thrown away in that case?—Yes.

9355. Whatever the illegality is?—Yes, whatever the illegality, or rather, irregularity is, the vote is lost.

9356. Mr. *Brand.*] As to the expenses of a general election of Parliament in South Australia, it appears by this return, as I understand it, that the total expenses attending the election of all the members of the House of Assembly paid by the Government amounted to 5,120 *l.*; is that correct?—Yes; and I would just point out that this was the first general election when both Houses were elected, and such a case can never occur again.

9357. I am speaking of the expenses attending the election of members of the House of Assembly, not the Legislative Council?—Yes, that is quite so, but the total expenses you will find amount to 10,000 *l.* for the two Houses.

9358. Sir *George Grey.*] That does not include, does it, the payment to the returning officer, or the sum to be paid as annual salary to the sheriff or to those who act as his deputies?—Our sheriff is the principal returning officer; I think he gets some fees, but I do not think he gets separately paid for that duty.

Mr. JOHN IRVING, called in; and Examined.

9359. Mr. *Leatham.*] ARE you a resident of Carlisle?—Yes.

9360. Have you held any public office there?—I have been a member of the corporation for some years, and I have held the office of Mayor.

9361. Do you know the number of electors who were in the employ of the London and North Western Company at the last election?—Yes; there were about 154, I think.

9362. Do you know how those men voted?—Yes; 136 voted plumpers for Mr. Hodgson, the Conservative candidate, two split between Mr. Hodgson and Sir Wilfrid Lawson, one between Mr. Hodgson and Mr. Potter, and 15 split between Mr. Potter and Sir Wilfrid Lawson.

9363. Have you any means of knowing what the political opinions of those men are as a class?—I have, from conversations that I have had with many workmen so employed, both previous to the election and subsequent to it.

9364. Is that the only means you have of knowing their general politics?—Yes; but it is pretty well understood in Carlisle what their leanings are.

9365. Is there a mechanics' institute in Carlisle?—Yes, there is a mechanics' institute in connection with the workshops of that company, and in that institute there are 13 or 14 newspapers taken, six or seven of which are daily, and of those daily papers six are Liberal and one Conservative; and there are the same proportions with regard to the weekly papers.

9366. Do you know whether the great bulk of those 154 voters are members of that mechanics' institute?—They are chiefly.

9367. Sir *George Grey.*] Do those persons form any considerable proportion of the whole number of men employed in the railway works?—I should say that probably there would be as many men in the works non-voters as there are voters; I should say that there are 300 in all.

9368. Mr. *Leatham.*] Is the mechanics' institute for the exclusive use of the persons who are employed on the railway?—Yes.

9369. Was it the general opinion amongst those men until a certain time before the election that they would be allowed to vote as they pleased?—Yes; the election was a subject which very much engaged their attention in the early part of November and previously, and up to the 5th of November the men had a strong conviction that they would be permitted to exercise their franchise as they thought best.

9370. What occurred on the 5th of November which should lead them to form a different opinion?—They were waited upon by a canvassing party in the interest of Mr. Hodgson.

9371. Mr. Hodgson is a director of the London and North Western Railway Company, is he not?—Yes; the men who were then on the works were seen by the canvassers, and, as far as I am able to ascertain, they made very little way amongst the men. They stated to some of them that they thought they were going against their own interest, that Mr. Hodgson had been the means of getting those works erected, and consequently they were indebted to him for their employment, and that their voting in antagonism to him would be like quarrelling with their bread and butter.

9372. Did Mr. Hodgson canvass the men himself?—He did subsequently to that. I may observe that on that occasion when those parties were canvassed, one man decidedly stated, that under no circumstances would he be induced to vote for Mr. Hodgson; and when the man who was importuning him wanted to argue the question with him the answer on the part of the voter was, that he need not trouble himself, for he was quite as well qualified to judge of the question at issue before the country as the canvasser was to teach him. The canvasser thereupon said, "If you do not vote for Mr. Hodgson, it will be the worse for you," and that man was subsequently discharged from the works.

9373. When was it that Mr. Hodgson canvassed the works personally?—On the 9th of November.

9374. Do you remember any circumstance which took place on that occasion?—Yes; Mr. Hodgson was accompanied by some of his friends, who had been there on the previous occasion, as well as the foreman of the works in one of the departments, that same foreman having accompanied the canvassers on the 5th of November; the men were seen in one of the departments singly, and of course some of them, who had intended voting for the Liberals, were obliged, through fear, to promise to vote for Mr. Hodgson. In some cases they had promised to split their vote, in the first place, but before the election came on that which was intended to be a split vote was subsequently turned into a plumper for Mr. Hodgson.

9375. You said that the men were canvassed singly; in any of the shops were they canvassed collectively?—Yes, they were. They were called together in the office of one of the foremen, and by one of the canvassers, those were asked to hold up their hands who were favourable to Mr. Hodgson's election.

9376. Was Mr. Hodgson present?—He was.

9377. And was the foreman present?—Yes, the foreman was present. The bulk of them, I think, with the exception of two, held up their hands for Mr. Hodgson, many of them having previously stated unreservedly to their fellow-workmen their intention to vote for the Liberals, and notwithstanding the pledge which they had given to those who had canvassed them on the part of Messrs. Lawson and Potter.

9378. Was any subsequent meeting of the workmen held?—I may say with reference to that occasion to which I refer, that the fact was called in question of the men having been so assembled and the vote taken; and eight of the workmen signed a declaration, which appeared in a large placard on the day of the nomination, denying the truth of this allegation which had been made by Sir Wilfrid Lawson two nights previously at a meeting that he had addressed in the Athenæum; but notwithstanding that denial, it was quite notorious amongst the workmen, and was the subject of remark that such act had taken place. I have also been informed, both by the men who were present, and who voted for Potter and Lawson, and also by those who voted for Mr. Hodgson, that it was true that the vote was so taken by a show of hands.

9379. Have you any doubt in your own mind that such a meeting took place?—None whatever.

9380. And that the men were asked to hold up their hands to indicate the way they intended to vote?

Mr. *J. Irving.*

18 June 1869.

vote?—I have no doubt whatever that that took place.

9381. Was there any meeting of the workmen subsequent to that?—Yes. Several men in the evening of that 9th of November were asked to be on Mr. Hodgson's committee, and they were required to assemble at a public-house that night in the same ward where the works are situated, and the foreman, who went round with the canvassing party, and who went round with Mr. Hodgson also, was in the chair.

9382. Was a show of hands asked for on that occasion?—I have not been able to see anyone who was at that meeting, although it is a subject of general conversation amongst the men from that time up to the present, that a show of hands was upon that occasion taken.

9383. On the 10th of November, was a written notice sent from Crewe to the superintendent of the works, stating that on a certain day a number of the men would no longer be required at the works?—There was. It came to the knowledge of some of the men, and it was circulated amongst the workmen throughout the works that such intention would be carried into effect. Those in the interest of Mr. Hodgson, and who were well aware of the existence of that notice, stated that it was not true that such a letter had come, and that it was a dodge on the part of the Liberal party to release the men from their promises to vote for Mr. Hodgson; the idea being that the men having the conviction that it would be their turn to be parted with, would then vote as they might think proper.

9384. A week after the election, were any men discharged?—There were. In consequence of that notice, 22 men were discharged.

9385. How many of those voted Liberal?—Of the 15 who voted Liberal, five were discharged; the only workmen that they could have discharged out of the 15 were six; the others were of a class of workmen that they were not discharging.

9386. Why could they not have discharged the others?—Because they had plenty of work for that class of men. Six came under that class of men that they were going to reduce in number. One of the six whom they could have discharged did not receive notice to leave, and there was an impression that he had voted for Mr. Hodgson.

9387. How do you know that there was that impression?—It was the subject of conversation amongst the workmen that he had been so fortunate as to get rid of the notice of discharge; but after the poll-book came out, when it was discovered that he had polled for Potter and Lawson, he told them that it was a mistake.

9388. Was any application made by the chairman of the Liberal committee at Carlisle to the chairman of the London and North Western Railway Company, inviting him to send a declaration, on the part of the directors, to the workmen in their employ, to the effect that they should be free to vote as they pleased?—Yes; there was one sent to the chairman of the London and North Western Railway Company, and one sent to the chairman of the North Eastern Railway Company; and this letter was addressed to the chairman of the Liberal committee, Mr. Robert Furguson, by Mr. Moon, the chairman of the London and North Western Railway Company; it is sent from the office of the company at Euston Station, London, and dated the 10th of November 1868: "Sir,—In reply to your inquiry of yesterday's date, as to whether the board of this company had made any announcement to the effect that the railway never interfered with its servants, I beg to inform you that no announcement whatever has been made by this company, nor do they intend to make any. The subject was brought under the consideration of the board in consequence of several communications similar to yours of the 24th September having been addressed to them; but it was decided that as they had never on any previous occasion interfered with the free action of their officers and servants, it was unnecessary to make any such announcement as that referred to by you.—I am, sir, your obedient servant, *Richard Moon.*" I may say, with reference to that, that the representation contained in this letter, that no interference had ever been made with the men on previous occasions, I know perfectly well is not true as regards Carlisle, because on each occasion Mr. Hodgson, while he has offered himself as a candidate, has invariably canvassed the men.

9389. Sir *George Grey.*] Did the Liberal candidates canvass persons in the employ of the railway also?—They did not, nor did they canvass a single elector in the city.

9390. Was there any obstacle presented to their canvassing on the part of the company?—It was never asked for, and those who had charge of the canvass, and members of the committee, were strictly forbidden to go on any of the railway works to see any man.

9391. You do not mean they were forbidden by the company?—No; the North Eastern did issue a notice to say that their men were free to vote as they liked, and that no persons were to be allowed to canvass the men on the company's works; that notice was put up in the works; but notwithstanding that notice, Mr. Hodgson canvassed the men in the employ of the North Eastern Company, although his attention was called to the notice on the part of the man who took him round.

9392. Mr. *Leatham.*] Mr. Hodgson was a candidate at the previous election in 1865, was he not?—He was.

9393. Do you know how the men in the employ of the North Western Railway Company on that occasion voted?—Yes; in 1865, with the limited constituency, there were 30 voters in the employ of the North Western Railway Company, and of those 30, 27 plumped for Mr. Hodgson, two voted for Lawson and Hodgson, not one for Potter and Hodgson, nor did any one vote for Lawson and Potter, and one man did not vote at all. We find in our experience with men of that class that whenever a split has been got between the opposing parties, the second vote has always been given to our strongest man. Perhaps, before I leave that part of the case, I may be allowed to observe one thing. If the men in the employ of the London and North Western Railway Company, on the occasion of the election of 1865, had been permitted to vote as they liked (taking the North Eastern and other companies as an index, where they were free to vote as they liked, and where there was no canvassing), the result would have been that Mr. Hodgson would not have been returned; the return would have been Potter and Lawson.

9394. Have you any further remark to make with regard to the London and North Western Railway Company?—Yes, I may observe also that if those 15 men had not been found true to their pledges, and had been operated on in the same way as the others who voted for Mr. Hodgson

Hodgson, the consequence would have been that Mr. Hodgson would have been returned, and Mr. Potter would have been turned out.

9395. Sir *George Grey.*] What became of those five men out of those 15 who were discharged?—One man went to Dublin; one was taken on the works again through the intervention of the foreman, under a fear that a representation would be made of that circumstance to the head manager at Crewe; one man is now in the employ of another firm in Carlisle; he was the person to whom I referred as having had a threat offered him. He stated that he had been anxious to have the franchise for many years, but in place of its being a blessing to him, it had become a great curse, and there is one man at present unemployed.

9396. When you speak of the North Eastern Railway Company, do you refer to the persons employed upon the Newcastle and Carlisle line?—Yes.

9397. A notice was published and came to their knowledge that they might vote as they liked?—Yes.

9398. How many of them were there who voted?—There were 45 voters, 27 of whom voted for Potter and Lawson, two for Potter and Hodgson, two for Lawson and Hodgson, eight plumped for Hodgson, and six did not vote at all. The number on the roll for the London and North Western works would have been three more; but they expressed a wish to the legal agent of the Liberal party previous to the registration that they would rather be off the roll, and they desired that he would object to their votes; he did object, and of course the men did not appear, and they were struck off, because they felt that they would not be free to act as they like, and they could not bear the infliction of being coerced to vote contrary to their opinion.

9399, Sir *Michael Hicks Beach.*] Did I understand you to say that Mr. Hodgson established the railway works at Carlisle?—No; that was the reason given on the part of those who were canvassing in his interest to induce the men to vote; the railway company established the works; but the statement made to the men was, that it had been done at the instance, and through the instrumentality of Mr. Hodgson alone, and therefore, they said that this ought to induce them to vote for him.

9400. Was he a director of the company at the time the works were established?—He was.

9401. Did he take an active part in establishing them?—I suppose in common with his colleagues; I am not aware that he took any extra interest beyond that.

9402. Does he take an active interest in the management of the London and North Western Railway at Carlisle?—Yes, he does; we feel that very seriously in our electioneering matters.

9403. Is he popular amongst the workmen?—Yes, to a certain extent, where they are full in accord with him in political opinion; but certainly not so with others, except so far as being a member of the board that gives them employment.

9404. Do not you think it possible that, as a member of the board that gives them employment, they might wish to support him on account of liking him, irrespectively of their political opinions?—My experience would lead me to a different conclusion altogether.

9405. Do not you think that that is the ground upon which candidates are often supported?—Unfortunately it is so.

Mr. *J. Irving.*

18 June 1869.

9406. Were no votes given to the other candidates at Carlisle on account of personal liking?—I do not think there were any. In fact the candidates never made it their business to ask a single elector for a vote. In Carlisle we consider it rather degrading for a candidate to do so.

9407. You spoke of Mr. Hodgson canvassing the men; is there any reason why, as a candidate he should not canvass them?—I think that it is very improper, in the position which he holds as a member of the Board of Directors of the London and North Western Company that he should be permitted to go upon the works to canvass the men.

9408. Did he canvass the other electors in the city?—I do not know that he canvassed them all; but he did make a general canvass throughout the whole town more or less.

9409. You think that if he had been a stranger he might have done it; but being a director he should not have canvassed them on the works?—He could have seen them at their homes, which would have been much better.

9410. You object to his going into the works, not to their houses?—I object to his canvassing more particularly in the works, because the very circumstance of Mr. Hodgson, as a director, going there to canvass them was an improper influence.

9411. It would save time and trouble, would it not, to get the men all together and canvass them?—No doubt for his purpose it would, but still it was not a justifiable act.

9412. Mr. *Leatham.*] The foreman was present, you say, with Mr. Hodgson at the time he canvassed them?—Yes.

9413. Sir *Michael Hicks Beach.*] He naturally would be in the works would he not?—Yes; but it was not necessary that he should leave his work to go with Mr. Hodgson.

9414. You spoke of the members of the Mechanics Institute; are there many non-voters who work for the railway company who are members of that institute?—Yes, there are.

9415. What is the proportion of non-voters compared with the voters?—I should think, probably, there would be about as many non-voters as voters. I said there were 300 altogether; but that may be a little over the mark.

9416. Supposing the non-voters to be different in politics to the voters, that might account for the papers that were taken in, might it not?—Of course it is all done by voting; but judging of the non-voters as of the voters, I should consider that the same run of opinion would prevail amongst the non-voters as does with the voters.

9417. How is it that that they are non-voters; are they lodgers?—Some of them are lodgers, and some of them are the sons of men who are in the employ of the railway.

9418. I did not quite catch that part of your evidence as to the loss of employment; were any men threatened with loss of employment except those as you spoke of as being discharged?—No.

9419. As to those who were discharged, did I understand you to say that it was on account of the reduction of the number employed?—Yes; but those men were all men of good character, and had been a long time upon the works, for as many years as some men had been months; yet

Mr. *J. Irving.* 18 June 1869.

those who had been there the shorter time, and who voted for Mr. Hodgson, were retained in the service; and others, against whom no complaint had been previously made, were discharged.

9420. And they were five in number, I think?—Yes.

9421. You said that one man was taken on under fear of representation being made to the manager at Crewe?—Yes, that was the general impression amongst the men.

9422. Do you know that to be a fact?—I have not had it from the man himself.

9423. What means have you of knowing that it is true?—I had conversations with some other workmen upon the subject, and they said that they thought so; and the man was taunted with it himself.

9424. Was any public statement of it made in the newspapers?—No.

9425. Was any opportunity given for a public contradiction of it?—The question never arose except in the works.

9426. But the man was taken on?—Yes.

9427. Sir *George Grey.*] Was it believed then that the manager at Crewe would have disapproved of any coercion or any undue influence, and would have restored the man to his employ if he had been told of it?—Yes, and that he would have found fault with the foreman for taking the part which he did amongst the men at the time of the election.

9428. You do not object to the action of the company, as a corporate body, represented by their manager at Crewe?—Yes, I do; but I hold that the manager at Crewe would consider it within his province, and consistent with his duty, to rebuke those under him who are employing their time, which ought to have been devoted to the service of the company, in trying to influence men contrary to their convictions.

9429. He being a servant of the company, acting under their directions?—Yes.

9430. Sir *Michael Hicks Beach.*] Do you not know what the politics of the manager at Crewe are?—No, I do not.

9431. Do you know what the politics of the members of the London and North Western Board are?—I have heard that they are very much divided. Mr. Charles Howard, one of the Members for the eastern division of the county of Cumberland, is a member of the Board, and he would scorn to do such an act as to go and canvass the men in the works.

9432. He is a Liberal, is he not?—Yes, he is.

9433. If a representation had been made to the board that Mr. Hodgson, as a Conservative, was influencing the men wrongfully at Carlisle, would not Mr. Howard very likely have taken the matter up at the Board?—I am not responsible for what Mr. Howard would do.

9434. Is it not probable?—I dare say that he would not like, in a matter of that kind, to come in conflict with his colleague.

9435. Do you know Mr. Moon's politics?—I do not.

9436. Do you know Mr. Brown Westhead's politics?—Yes.

9437. You know that they are Liberal?—Yes.

9438. Was not there every facility, if this influence had been wrongfully used, for representations to have been made to the board and enforced by members of the board?—We thought that it was useless to make any further application. The letter was addressed to the chairman of the company, the 24th of September, and was never acknowledged till the 10th of November. I do not know whether that is the practice of conducting correspondence by that railway company, but we thought that it was highly improper to allow it to remain so long unanswered.

9439. Were any of the members of the North Eastern Board connected with the Carlisle election in any way?—No.

9440. Is neither Sir Wilfrid Lawson nor Mr. Potter a member of that Board?—No; Sir Wilfrid Lawson is a member of the Maryport Board, but that is not connected with the North Eastern Company.

9441. Were any men in the employ of the Maryport Railway voters for Carlisle?—I did not take a return of them.

9442. Do you know how they voted?—I do not.

9443. Should you think it wrong to say that they supported Sir Wilfrid Lawson?—Not at all; because the great bulk of the workmen in Carlisle, the better class of them, where they are free to act as they like, are of a Liberal mind.

9444. That is to say, in your opinion, they are Liberal?—But I happen to know them pretty well. I have lived amongst them 40 years, and I am brought a great deal into contact with them.

9445. I understood you to say that the majority of the North Eastern Company's workmen voted for the two Liberal candidates?—Yes.

9446. Was there no one taking any interest in the Carlisle election on the Liberal side, who had anything to do with the North Eastern Railway Board?—I believe not; not that I am aware of.

9447. Was there any manager of the North Eastern Company that took an interest in the election?—The only manager who took an interest on the works was opposed to us, and he was the man who went round the works with Mr. Hodgson, and who called Mr. Hodgson's attention to the notice on the part of the Board, that no person would be permitted to canvass on their works.

9448. Sir *George Grey.*] Are the works common to both companies?—No, they are quite distinct.

9449. You were asked whether there was any person resident in Carlisle connected with the North Eastern Railway Company who took an interest in the election; that has nothing to do, I suppose, with the works?—The question put to me by the honourable Member was as regards the North Eastern works. This same man who took Mr. Hodgson over the North Eastern works, after having called his attention to the notice, went round the works, of course, in direct violation of this notice, and the company fined him.

9450. Sir *Michael Hicks Beach.*] Was that the manager of the works?—No, he was the foreman of the store department.

9451. Was it a fact that no one besides that man in authority in the North Eastern works, or the North Eastern Railway, took any part in the election to influence the men?—I believe not. In fact, two or three of the most influential men in connection with those works were against us.

9452. Sir *George Grey.*] Do you think that the notice published by that company encouraged the workmen to vote freely?—I do. It prevented those

those who held opinions different to us taking any part whatever in canvassing. We called the attention of the Board to the circumstance of this man taking Mr. Hodgson over the works; and the secretary of the company, in obedience to the order of the chairman, wrote to us to say that an inquiry would be directed into the man's conduct; and the result of the inquiry led to his being fined.

9453. Sir *Michael Hicks Beach.*] Who is the chairman of the North Eastern Railway Company?— Mr. Thompson, the late Member for Whitby.

9454. He is a Liberal in politics, is he not?—Yes.

9455. Mr. *Locke.*] You say that out of the 15 there were five men discharged; how many were discharged altogether at that time?—Twenty-two.

9456. What description of men were the other 17?—I do not know exactly; part of them would be voters, some of them voting for Mr. Hodgson, and probably some not voting at all.

9457. Then there were some in the interest of Mr. Hodgson that were discharged?—Yes, because they could not have discharged 22 that had voted for the Liberals.

9458. But they discharged some of those who voted for Mr. Hodgson also?—Yes, because all the Liberals that were discharged were all that they could discharge, excepting one.

9459. Why was that?—The others were not of that class that they were reducing.

9460. Then they reduced 17 besides those five of that class that they could reduce?—Yes.

9461. Mr. *Leatham.*] The 17 men were not all voters, were they?—I am not aware; I take it that probably two-thirds of them were.

9462. Sir *Frederick Heygate.*] You stated, did you not, that the Mechanics' Institute take in six or seven Liberal papers?—They took in the following daily papers: the "Telegraph," the "Star," the "Standard," the "Manchester Examiner" and "Times," the "Manchester Guardian," the "Newcastle Daily Chronicle," and the "Scotsman"; and of those seven daily papers six are Liberal and one Conservative.

9463. Are there any Conservative papers published in that neighbourhood?—Yes, there are the daily papers published outside Carlisle, and the Carlisle ones. There are two Carlisle journals published on the Friday, two published on the Tuesday, and two copies of the "Express," and one of the "Examiner," those all being Liberal; and there is the "Patriot," Conservative paper, published there, of which they take one copy.

9464. Are there any more Conservative papers published in the county but not taken in there?—Yes, there is one at Whitehaven.

9465. Sir *George Grey.*] Are there not such papers as the "Newcastle Journal"?—Yes.

9466. Is there any Conservative Manchester paper?—Yes; there are Conservative papers published at all the places from where the others come; there are two Manchester Liberal papers taken in, and there is a Manchester daily Conservative paper which they do not take in.

9467. Sir *Frederick Heygate.*] You think that their taking in those papers showed the politics of the institute?—I think it is a very strong indication.

9468. Would not they be likely to take in the papers which would be most interesting to them, and the best written?—Not necessarily so; that, to a certain extent, would apply.

9469. Are there any papers of strong political bias in the neighbourhood which they do not take in?—There is the "Cumberland Packet."

9470. Is that a paper of large circulation?—I do not know the extent of it; it is published in the west part of the county.

9471. Mr. *Hunt.*] Is it the practice of Liberals generally to take in the papers only which advocate their views?—No.

9472. Why did you say that the number of papers which they took in on one side as compared with the other was an indication of their views?—Because the disposition would be more to read the articles written by Liberal men than on the other side; and also I belong to a newsroom where we take in a larger proportion of Conservative papers than all the members like.

9473. *Chairman.*] I did not quite understand you by whom were those men dismissed; who had the actual dismissal of the men?—The foreman of the works.

9474. Was not it sanctioned by any higher authority than the foreman?—No; the employing and the discharging of the men are within his province.

9475. But what position is this foreman in; what is his salary?—I have no idea, but he is a better class man, and consequently a man, perhaps, in the receipt of 30*s.* or 2*l.* a week.

9476. Has he the power of discharging what men he pleases?—I cannot say as to that; but even if he had to consult his superior at Crewe, I take it that his recommendation would have considerable weight.

9477. Who would send the positive order that such and such men were to go?—It was sent from the works at Crewe.

9478. Sir *George Grey.*] Was the order to discharge a certain number because they were not wanted?—Yes.

9479. Did the selection of the men to be discharged rest with this foreman?—Yes, entirely.

9480. Mr. *Edward Egerton.*] You do not mean to say that the foreman dismissed those men; he only acted in obedience to the locomotive superintendent at Crewe, did he not?—He selected out of the number those that were to go.

9481. Did he not make a report?—I do not know.

9482. Are you speaking of your own knowledge?—I am speaking of my own knowledge as to the men being dismissed.

9483. You do not believe that the foreman has the power of dismissing men from the railway works?—I do, certainly.

9484. *Chairman.*] You believe that those men were selected by the foreman, and that it was he who had the real power of selecting those men who were to be dismissed?—Yes; I believe he is fully responsible for their discharge.

9485. Was the discharge of those men, and the intimidation which it was alleged was exercised by the railway company, commented upon in any of the Carlisle newspapers?—Yes. At the time that this was, a placard signed by eight men, denying the fact that they had been assembled together and a vote taken, appeared in front of the hustings on the day of the nomination; it was commented upon by the Carlisle paper the day following.

9486. Was any denial ever put forward by the Conservative party, or by any railway official, that such intimidation had been practised?—No, nothing beyond this placard.

Mr. *J. Irving.*

18 June 1869.

9487. Will you read it?—It is headed, "A gross mistake stated by Sir Wilfrid Lawson. We, the undersigned employés of the London and North Western Railway, being present when W. N. Hodgson, Esq., visited the London and North Western works at St. Nicholas, beg to contradict the assertion of Sir Wilfrid Lawson's informant, as stated in his speech made in the Athenæum on Thursday night. He stated that he had been informed that W. N. Hodgson, Esq., a director on the London and North Western Railway, had called together a great number of men in a room belonging to the London and North Western Railway, and there had the men called upon to hold up their hands if they were going to vote for Mr. Hodgson. We beg most distinctly to state that no such thing was done by Mr. Hodgson; but one of the men who was passing at the time, whose name is Thompson, a non-elector, and a native of Preston, made use of the following words: 'You that are for Church and State, hold up your hands for Nicholson Hodgson!' And we further wish to say, in justice to ourselves and Mr. Hodgson, we never heard of any case of intimidation during the time we have been in the service of the company; and we feel such disgraceful slander is an injustice to ourselves and the service. We should not have taken notice of it, but for the high regard which is entertained by ourselves and fellow workmen towards Mr. Hodgson, and we feel that we are in duty bound to contradict such vile statements; and we also feel it a duty to ourselves and Mr. Hodgson to render an account of what has been said about Mr. Hodgson during the time he was amongst us. We must also add, that any such slanders of this kind only tend to strengthen the feeling we have for W. N. Hodgson, Esq." Then come the names of eight electors who were present, and then there is this postscript: "P. S.—Mr. Hodgson's visit to the works was not for the purpose of soliciting votes, but to thank us for our promises, and to answer any questions that might be put to him." That postscript is totally at variance with the truth. I have it on evidence from men who were present, both who voted contrary to Mr. Hodgson and who voted for him, assuring me most distinctly that the statement signed by those men is incorrect. One of those men on the day after the election was in a state of drunkenness, and he was taunting one of the men who was a Liberal in politics, but had been obliged to vote contrary to his conviction from fear of losing his situation. This man taunted the other voter with being obliged to vote, notwithstanding that he had promised to the contrary; and the man was so enraged at his conduct that he says, "I did not do as you did, sign my name to a damned lie," meaning this document. The man thereupon laid hold of him, and threw him over his buttock, and lamed him; the man was laid up for a fortnight, and I believe that matter was hushed up. He was obliged to pay the man his wages, and something else, to keep the matter quiet, lest it should cause trouble at headquarters.

9488. Mr. *Hunt.*] It comes to this, that the man said he signed his name to a damned lie, which he immediately resented?—Yes, that is quite consistent with the fact.

9489. And the man who was attacked on account of that imputation, took no steps to recover damages in any way?—No, the only step that was taken, was a threat to report him to headquarters. I believe that his wages were paid to him during his illness. If the man had taken steps to prosecute the other man, the chances are, that he would have been got rid of from the works, and of course the fear of that would prevent him doing so.

The Right Honourable GEORGE WARD HUNT, a Member of the Committee; Examined.

Rt. Hon. *G. W. Hunt,* M.P.

9490. *Chairman.*] HAVE you any suggestion to make to the Committee with reference to the subject of their inquiry?—I merely wish to submit a plan to the Committee for polling in counties. There is a great evil at present in county voters having to go long distances to vote, and the consequence of that has been, that the Legislature has sanctioned the providing of conveyances for voters, not paying the voters the expenses of their own conveyance, but providing conveyances for them. I think that this is wrong in principle, but it is the only means of enabling voters who live at a distance from the polling places to vote, and I wish to suggest a scheme by which every voter resident in a county might vote near his own home. I think this might be done by having the votes taken by the parish officers, and I would suggest this, that a register might be made to answer all the purpose of a poll-book; that there might be added to every register a certain margin with columns ruled, in which might be entered the names of the voters and the way they had voted. That the clerk of the peace on the occasion of each election might send a sheet relating to each parish, to the overseers of that parish, and that the overseers might use that sheet as the poll-book for the parish; and I think that, in addition to the column in the margin for the purpose of recording the vote, there might be a counterfoil the same as in a cheque-book, and that the parish officer should enter the vote of each voter in duplicate; then he should tear off the counterfoil which would be a duplicate of the poll-sheet, so far as that vote was concerned, and hand it to the voter at the time of his voting, so that the voter should have a receipt for his vote, and that it would be impossible for the overseer afterwards to alter the sheet; the voter himself would have a check, so that if there was any such falsification, it could be immediately disproved. I would have the overseer find a room in the parish for taking the votes, which would be an open court, and the voters should go there within the hours to be prescribed, and there record their votes, in the same way as they are now taken at the polling booths; and then at the close of the poll the overseers should sign the poll sheet, should place it in an envelope, should take it to the post office and register it, and it should be addressed to the returning officer. I also propose that the declaration of the poll should be later than it is now, that a longer interval should elapse between the close of the poll and the declaration, so as to ensure getting all the polling sheets from the different parishes. The only inconvenience

venience would be this, that the result of the poll would be known perhaps a day or two days later than it is at present. I think by those means you would enable all voters, except those who were living away from their qualifications, to record their votes without any loss of time, without liability to be personated, and without any expense as regards conveyance.

9491. Sir *George Grey.*] Do you think that the overseers might be trusted to put the questions to the voters which the law authorises to be put, and to do all the business which is now required of a deputy returning officer in the polling booths?—I think so, if you consider that at present the overseer is entrusted with the duty of making out lists. It rests with him to receive the notices from the claimants, and make out a list of claims, and to submit them to the revising barrister. He receives those claims now at a time when there is no one to look after him. I think, myself, that he has now an opportunity of depriving persons of their votes by refusing to enter their claims, but we do not find that the overseers do so. I think that, in this country, everyone who holds an official position feels a sense of responsibility upon him.

9492. *Chairman.*] It would be necessary, would it not, to have a representative of each candidate present?—I do not think that it would; I think that where any candidate had a partisan in a parish he would generally be present; and if there was more than one, they would arrange who should be present in the room. But even supposing it was necessary for each candidate to have some one to look after his interest, it would be a far cheaper thing than the present system of the candidate finding conveyances for the voters to go to the poll.

9493. That amounts, does it not, to having a polling-place in each parish?—Yes.

9494. Sir *George Grey.*] Have you considered the case of the northern parishes, for instance, which are very often divided into a large number of townships, each township forming a civil parish with a separate overseer?—Of course that would require consideration, it is only a matter of detail. It might be proper, in that case, to have a polling-room in each township, supposing the distances were too great to have a common one for a large parish containing two or more townships.

9495. Mr. *Edward Egerton.*] Is not the overseer in those country parishes very often a perfectly uneducated man?—If he is too uneducated to take votes in that way he is too uneducated to make out the list of voters which he is now required by law to do.

9496. Is there not great complaint now of the way in which the register is made up?—I think now and then there are complaints, but not as a rule. But taking the vote is a very simple matter, it is merely making a line opposite the name; they would not even have to write the voter's name, according to my plan, because they would take the register which would be used as a poll-book, and under the candidate's name they would merely make a mark. I can hardly conceive of any person appointed an overseer, who would not be capable of doing such an extremely simple an act as that.

9497. Mr. *Brand.*] How do you provide for the case of non-resident voters?—I must leave them as they are. I do not think that is a very important matter. Non-resident voters are generally persons to whom the expense of going to the poll is no great object. But if you want to carry out the system perfectly you might do this: you might have central polling places for all England, in the different centres of population. You might appoint a public officer to take votes for every county in England, say, in London, Manchester, Birmingham, and so forth, under proper safeguards, and then have those certified votes transmitted to the returning officer for each county. But I do not think it would be any very great hardship for those who are non-resident at a distance, and who are generally the more wealthy persons, to be at the expense of coming to vote in their own parishes. You would at least have this advantage, that non-resident voters would not be personated as they are now, because in parishes where their qualification lies there would be sure to be some one who would know them.

9498. Do I understand that, according to your plan, that should be the process with every voter?—Yes, I would make it the duty of the parish officer to take the votes, whatever the number was.

9499. Mr. *Locke.*] Where do you propose that he should take the votes?—I propose that the overseer should find a room, and I believe that in every parish he would be able to find a room for such a purpose. There is generally a school-room in every parish.

9500. You propose that he should have that on the day of the election?—Yes, only on the day of the election, and within prescribed hours.

9501. Sir *George Grey.*] You are, of course, well acquainted with the power which now exists for increasing the number of polling places where the number is insufficient?—Yes.

9502. Taking your own county of Northamptonshire, has that been carried out to the full extent which the law allows, or might not there be more polling places than there were at the last election?— There might be more polling places under the recent Act, but in my own division we have not increased the number of polling places, because they had been increased before, but in the other division, where the polling places were too few for convenience, steps are now being taken to increase the number of polling places; but the difficulty always is this, that a good many persons object to increasing the number of polling places under the present system, because, they say, it causes an increase of expense. Polling booths have to be put up, and deputy returning officers have to be engaged, and all those things increase the expenses of an election. According to my proposition, there would be no expense at all as regards that. I should expect the overseer to perform the duties without any remuneration, except expenses out of pocket, which, I take it, would be very small indeed.

9503. Would it not be necessary to have check clerks at every polling place?—I do not think myself that it would be. I think persons in every parish would voluntarily keep watch over the proceedings of the overseership, but I do not think that a parish officer, acting officially, and so forth, would be likely to be guilty of any improper conduct in the discharge of his duties. I should like to add this, that even supposing the system of the ballot is adopted, it is necessary in fairness to the voter that there should be a

Rt. Hon. *G. W. Hunt*, M.P.

18 June 1869.

polling place in every parish, and it is more necessary now than it used to be in consequence of the lowering of the franchise. Shopkeepers, for instance, who have to attend to their business, have no time to go to a town some miles off and record their vote. Therefore, I think, that under any system of voting there ought to be a polling place in every parish.

9504. Mr. *Locke.*] In very large parishes that would involve a great deal of machinery, would it not, as the overseer himself could not do it all? —I think he might. In general, in very large parishes, there is a paid assistant overseer, and the overseer might have the assistance of a deputy in that way.

9505. Then you would allow him to employ persons under him?—He might do so, under certain restrictions.

9506. Mr. *Raikes.*] Do you propose to confine this entirely to counties?—Perhaps the same system might be adopted in boroughs such as Shoreham, which are, in fact, like divisions of counties.

9507. Mr. *Fawcett.*] If your scheme were carried out, I presume you would render the conveyance of voters illegal?—Yes, certainly.

9508. Do you think that this scheme of yours would very greatly diminish the expense of county elections?—I think very considerably indeed; and even supposing that candidates were obliged to retain some person to look after their interests in every parish, I think the expenses would not be one-tenth of what they are now.

9509. Should you also render the paying for the conveyance of non-resident voters illegal?—I should have no objection to making it entirely illegal to provide conveyance for voters if their was a polling place in every parish. With regard to out-voters, it is a question upon which other persons might entertain a different opinion.

9510. Did I understand you that you would be in favour of allowing South Lancashire voters, for instance, who lived in London, to vote in London, by going to a central authority and voting?—I think that might be done. This scheme does not at all depend upon that, but I think it might be done. If persons living at a distance are still allowed to record their votes, it might be possible to provide the means of their doing so in that way; you might have certain places in London, for instance.

9511. Does not it strike you that if that were done, the non-resident voters would be so much increased that they would swamp the resident voters in the county?—That, of course, would be an argument against it; but this is no part of the scheme. I merely suggested it in answer to a question from an honourable Member of the Committee. No doubt that would be an argument against it.

9512. Sir *Michael Hicks Beach.*] On whom would you place the overseer's expenses; on the candidates or on the county?—According to the present law the candidate would have to pay the expenses, and supposing that that law was continued, of course the expenses of the overseer would fall upon the candidate; but if the law was altered, throwing the expenses of conducting an election upon the ratepayers, of course the overseer's expenses would be thrown upon them in that case.

9513. But it is not part of your plan to alter the law?—No. My impression is this; that the expense of conducting an election in that way would be so exceedingly small, that it would be very immaterial whether it fell upon the candidate or upon the ratepayers. I think that there are 153 parishes in my division, and I do not myself suppose that it would cost 5*s.* each under such a system.

9514. Not including the providing of rooms? —No, I think not; I think the room would in almost every case be found for nothing.

9515. Mr. *Edward Egerton.*] But it would be necessary to have a check clerk in every case, would it not?—I do not think so; but if the candidate wished to have a check clerk, he might; supposing that you had a check clerk in every parish, I suppose you would not give the check clerk more than a guinea, and I should have been very glad to compound for 153 guineas the expenses of my election.

9516. Sir *George Grey.*] The conveyance of voters is the great expense of county elections now, is it not?—Yes.

9517. Do you think that if polling places were multiplied to the extent to which the law now allows, so as to bring them very much nearer the residences of the voters, there would not be a great saving of expense in their conveyance, counterbalancing the increased expense, owing to the poll clerks who would be required, and other expenses?—I think that within certain limits the multiplication of polling places decreases the expenses of an election to candidates in counties; but when you go beyond those limits, I am not prepared to say then that it would decrease the expenditure.

9518. Do you think it is the apprehension of increased expenditure which prevents polling places being multiplied to the extent to which they now might be done by law?—Yes, I am sure it is.

9519.] *Chairman.*] What is the number of persons now officially employed in each polling booth?—I think there is the sheriff's deputy, and there are two poll clerks relieving one another, and then the candidates provide check clerks. I think there are three official persons, but I really am hardly a competent witness upon that subject.

9520. There are three official persons, and one invariably employed by each party; you think that those might be altogether reduced to one?— Yes, I think so; because in this instance the numbers who would vote in any one place would be very considerably reduced, and the person taking the poll would know personally nearly every voter.

9521. Sir *George Grey.*] Do you think it would be safe to trust a single person, who is generally of a class not highly educated, to take the votes in a room without any person being present; would not that open the door to a great deal of fraud and abuse?—I suggest that the voter should receive a duplicate of the entry of his vote, so as to prevent after falsification.

9522. Take the case of a voter in a distant part of a county; how would he know whether his vote counted or not in the aggregate number?— I would always have the whole of the names published afterwards, and then if he found that his vote was not reckoned up, or reckoned for the wrong candidate, he would be able to produce the counterfoil which he had received, showing that he had voted in a particular way.

9523. In what way could that mistake be rectified except by an election petition?—I suppose it could

could not, except by an election petition; no more it can now. That was just the case which arose at Warrington, the other day. It was alleged that a certain number of votes had been given, and had not been recorded by the returning officer. What I should propose is this: that after the election the poll sheets for each parish should be put up at the church door, and then every voter resident in the parish would have an opportunity of seeing whether his vote had been duly counted by the returning officer; and if not there could be a petition.

9524. At whose expense would the petition be?—Just the same as it is now. The other day, at Warrington, the defeated candidate petitioned, or some of his friends, alleging that certain votes which had been given for him had not been recorded.

9525. *Chairman.*] I think you mentioned that the overseers have now the preparation of the register?—Not of the register, but of the lists for the revising barrister's court.

9526. Is it not come within your knowledge that great complaints have been made of the negligent way in which they perform their duty?—Yes, complaints are made sometimes, but it is not a very easy task for an unprofessional person to make out lists for the revising barrister. Sometimes there is confusion made by the overseers between the old lists and the new claims. I believe a common mistake of the overseers is this, that instead of leaving the old lists as they stand, and making out a new list of claims, they think it necessary to copy out the old lists, mixing up the claims with them. I do not think that there is often a complaint made that they make any other mistake.

9527. You are aware that it is alleged that in some country districts, in many districts, in fact, great undue influence is put upon voters by persons possessing property, or some other kind of power?—We have heard of it in this Committee.

9528. Do not you think, whatever might be your opinion of what goes on now, that the opportunity for exercising such undue influence would be very much increased if votes were taken in a very small place immediately under the eye and observation of the great man, whoever he might be?—I do not give much weight to that argument; I think now that if a person has influence over voters, such influence as would induce them to vote in the way that the person of influence wished, he would manage to get them to the poll and poll them; I do not think that we find that voters escape from that influence on their way to the poll, as a rule; in fact, I never heard of such a case.

9529. Does not an unpopular candidate get his votes together in this way: that he sends his agents or canvassers to collect what voters he has in the districts which are against him, and they collect them together and bring them all up to the poll together?—I believe that is done sometimes.

9530. Is not a voter who is rather in fear of the consequences of giving his vote more likely to give his vote against his landlord, if taken up to the poll in that way than if he had to vote in the village immediately under the eye of his landlord?—I do not think so myself; I think it may be the other way, because when voters are collected together to be taken up to the poll, there has generally been some kind of treating beforehand; they are got together, and they are given breakfast or refreshments, and I think under those influences they are more likely to vote as they are wished than if there was no such collection of them together.

9531. Supposing the ballot were adopted, would there be in that case any great objection to the polling for the counties being prolonged for more than one day?—I do not think I have considered that question; I think it is generally desirable to get an election over as soon as possible; it is always an excitement.

9532. Would your objection be altered if the ballot were adopted in this way; that supposing the polling were to last for two or three days, an authorised person might take the ballot boxes from one place to another in the district?—They might do so, but I think it would be pretty well known how the election stood if they were to do so. In my county they would know pretty well. If a person who had charge of the ballot-box went to a certain parish, they would know that there would be so many votes one way, and so many another, and I think that any person who went with him would be able to make out pretty much how the poll stood, but I would do it simultaneously all over the division.

9533. Why would that be the case more than if the same voters had to go up to a certain polling place to give their votes?—It would be very nearly the same. At present you do not know how the poll is going on at distant polling places, but according to my suggested scheme, it would go on simultaneously in every parish, and it would be impossible then to know how the poll stood.

9534. If the ballot were adopted you would still have a ballot box in each village?—Yes; I think that now there is excessive unfairness to the country voters; the town voters have a very undue advantage, living near the polling places. A man, perhaps, in five or ten minutes can go and record his vote if he happens to live in a town; but if he happens to live 10 miles from the polling place it takes him a whole day, involving him or somebody else on the same side of politics in a large expense.

9535. Is there anybody in your division living 10 miles from a polling place?—Yes; I think so; my county is peculiarly shaped; we have done all that we fairly can in my division to increase the number of polling places; but I think there are still cases of voters having to go 10 miles to a polling place; not many, but there are some, I think.

Tuesday, 22nd June 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	The Marquis of Hartington.
Mr. Brand.	Sir Frederick Heygate.
Mr. Bright.	Mr. Hunt.
Mr. Cross.	Mr. Leatham.
Mr. Dalglish.	Mr. Locke.
Mr. Edward Egerton.	The O'Conor Don.
Mr. Graves.	Mr. William Henry Smith.
Sir George Grey.	Mr. Whitbread.
Mr. Gathorne Hardy.	

THE RIGHT HONOURABLE THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. GEORGE FREDERIC VERDON, C.B., called in; and Examined.

Mr. *G. F. Verdon*, C.B.

22 June 1869

9536. *Chairman.*] You have been connected with one of the Australian Governments, have you not?—I was a member of the Government of Victoria.

9537. Will you tell the Committee in what capacity?—As treasurer.

9538. At what time?—In the years 1860 and 1861, and from 1863 until last year.

9539. Have you also been a member of the Legislature?—Yes.

9540. Will you tell the Committee what are the elective assemblies of Victoria?—There are two Legislative Chambers, the Legislative Council, and the Legislative Assembly.

9541. What are the franchises for those two assemblies?—The members of the Legislative Council are elected by the holders of property, persons who possess certain freehold or leasehold property are entitled to vote for members of the Legislative Council, who are required to be possessed of a certain property qualification according to law; the members of the Legislative Assembly do not require to have any qualification, and the election of the Legislative Assembly are either ratepayers upon the ratepayer's roll, or the holders of electoral rights, to which all persons who are either natural born subjects or naturalised subjects of Her Majesty are entitled, upon certain conditions prescribed by the Act.

9542. What are the numbers which compose the two Assemblies?—Thirty members compose the Council, and 78 members compose the Assembly.

9543. Do you know what are the numbers on the electoral roll for each, or approximately?—I can scarcely say without reference, they change from time to time, but I could furnish the Committee with the information.

9544. Are the Council and the Assembly elected at the same time, and for the same periods?—No; the members of the Assembly are elected for three years, and the members of the Council are elected for 10 years, and they go out by rotation in batches of six every two years.

9545. May both Chambers be dissolved by the governor?—The Legislative Council cannot be dissolved.

9546. Must the elections take place at stated periods?—Yes.

9547. What is the mode of election for each of these Assemblies?—The elections are conducted by ballot for both Houses.

9548. Can you describe to the Committee the process of election from beginning to end, the nomination, and so on?—I can either do so, or I can, if the Committee prefer it, mention that part of the Act which relates to the proceedings at and concerning elections. It would be scarcely possible to give the Committee full information without reading the whole of that part of the Act, because it relates to all the details for conducting elections, which are very important where the ballot is the principle observed. There are about 74 sections which form part of the Act, all relating more or less directly to the mode in which the election by ballot is conducted. If I may venture to suggest it, it would be scarcely possible for the Committee to acquire an accurate notion of the mode of conducting an election in Victoria, unless all those sections, to which I refer, in Part 3 of "The Electoral Act of 1865," the 29th of Victoria, c. 279, ss. 70 to 144, be recorded or taken notice of by the Committee.

9549. Will you describe, shortly, what is the system?—The first difference which appears between the old form of election, which was the open system, and that of the ballot, consists in the nomination.

9550. When did the change take place?—The ballot was introduced in Victoria about 13 years ago. There is no longer a public nomination of candidates; the nomination consists in a written paper which is to be delivered to the returning officer within certain dates, signed by not less than 10 qualified electors; and to which is added a declaration on the part of each candidate that he is prepared to serve if elected. In the case of the Council, each candidate has to deposit a sum of 100 *l.*, and in the case of the Assembly, a

sum of 50*l.* This money, it is provided by the Act, shall go to the expense of the elections, if it should be forfeited, as it may be if any candidate receives less than one-fifth of the number of votes given to the candidate at the head of the poll, if there be more than one, or than the successful candidate, if there be only one. This provision was introduced in order to prevent persons allowing themselves to be nominated who were not in earnest, and who really did not desire to serve if elected.

9551. Are the necessary expenses borne by the Government?—The expenses may be classified under two heads. The ordinary expenses of conducting the election, the hiring of rooms where that is necessary, and the ordinary printing of the official notices is undertaken by the Government, but of course all the expenses of canvassing where there is canvassing, and the printing of the candidates' addresses are borne by the candidates. The nomination paper having been received by the returning officer is posted by him in certain conspicuous places; so that the electors may see who have been nominated. After a certain number of days, if there be more persons nominated than are required to fill the vacancies, the returning officer proceeds to take the votes of the electors, and he does that by the ballot.

9552. Sir *George Grey.*] What interval elapses between the issue of the writ and the actual election?—The provision of the Act is, that the day of the nomination shall not be less than seven or more than 21 clear days from the day of such issue, and that the day of the polling shall be not less than three nor more than 14 clear days from the day of the nomination.

9553. And can those nominations be sent in up to the day fixed for the nomination?—Yes, to a certain hour of that day, and the nomination paper having been sent in and duly posted, and there being more candidates than vacancies to be filled the returning officer then proceeds to conduct the election, and a proper place is chosen for the purpose.

9554. Mr. *Hunt.*] What means are taken to verify the nomination papers; what security has the returning officer that the nominations are *bonâ fide*?—The security provided by the Act is, that the nomination paper shall be signed by not less than 10 of the electors for the district in which the election is being conducted, and that there shall be also at the foot of the nomination paper a declaration signed by the candidate to the effect that he is willing to serve, all the names of course being known to the returning officer as the names of persons who are on the roll of the electors.

9555. How does the returning officer know that the signatures are genuine of the 10 electors and of the candidate?—He has, of course, the ordinary means of satisfying himself as to that.

9556. He can find that those names are on the register, but how does he ascertain that the signatures are genuine; would it be possible for 10 persons to sign the names of 10 electors, and for the eleventh to sign the name of the candidate, without being detected?—It would be very difficult.

9557. What security is there against that?—One security exists in this, that all the electors who vote as the holders of electors' rights, have to sign their names (I shall presently describe what that means) in a book which is kept, and to which every returning officer has access, and, of course, he can compare the handwriting. But, of course, the Committee must not be misled by that, because the nomination paper might be signed by 10 persons who are voters in virtue of their being ratepayers or holders of property, not by virtue of their being holders of electoral rights. I think in that case there would not be the same means of checking.

9558. *Chairman.*] I suppose there is a penalty for any one forging a nomination paper?—Yes; a very severe one. It cannot possibly do any real harm, but as soon as the notice appeared, if the signatures were forged, or if the person nominated were not really willing to be a candidate, and his signature also were forged, the contradiction would appear at once, and the electors would not be misled.

9559. Sir *George Grey.*] There is always deposited a certain sum of money, is there not, to accompany the nomination?—Yes. A room has to be fitted up and divided into a certain number of polling booths, each booth being sufficiently large to admit of the presence of one person at a time, and being provided with a desk and a pencil with which the voter strikes out the names from the voting paper of the persons for whom he does not intend to vote. Upon the day of the election the door is opened and persons are permitted to enter and to tender their votes; certain persons only are allowed to be in the room at the time of taking the votes, those persons being the returning officer or his deputy, the poll clerks, and the scrutineers duly appointed under the Act, and any voters not exceeding six in number, being actually engaged in voting, to be designated, if necessary, by the returning officer or his deputy, at any one time. Without the consent of the returning officer or his deputy, no one can remain in the polling-room during the taking of the poll.

9560. Are these scrutineers the agents of the candidates, or are they appointed by the Government?—They are, the agents of the candidates, and they are appointed under the hands of the candidates before the election begins; there is a scrutineer for each candidate at each polling place, and the poll clerks are appointed by the returning officer.

9561. *Chairman.*] Before an elector proceeds into a booth, where he strikes out the names of the candidates, for whom he does not intend to vote, what test has he to pass in order to prove that he is the right voter?—He enters the room and addressing the returning officer, claims to be allowed to vote; the returning officer thereupon asks him whether he claims to vote as a ratepayer, or the holder of property, or as the holder of an elector's right. If he says that he claims as being upon the ratepayers' roll, the scrutineers and the poll clerks examine the roll and look to see if his name be there; if they find that his name is duly recorded upon the roll, the returning officer hands to him a voting paper, which has been previously to the election initialled by him, and which upon delivery to the voter is numbered by the returning officer in accordance with the numbering upon the electoral roll, each name on the electoral roll having a number corresponding to it. Having received the paper so initialled and so numbered, the voter retires into one of the polling booths, and there strikes out from the voting paper the name or names of the person or persons for whom he does not intend to vote. Then he is instructed to fold

Mr *G. F. Verdon*, C.B.

22 June 1869.

up the paper in such a way as to conceal the names upon the face of the paper, and in such a way as to conceal the number on the back of the paper; he then comes into the room where the ballot box stands in an open place upon a table in front of the returning officer, and he himself deposits into a properly made opening in the ballot box, the paper so folded up, and he then leaves the polling place.

9562. Sir *George Grey.*] Does he sign this voting paper in the room when he is perfectly alone?—He marks it when he is perfectly alone. The polling booths are made in compartments, placed against the wall of the room, and sufficiently deep to prevent anyone from seeing the voter or interfering with him in any way while he marks the voting paper.

9563. *Chairman.*] Are they something like the desks in a telegraph office?—The desk is somewhat like it. There are a number of places sufficiently wide divided by partitions to admit a man to stand between the divisions, and upon a desk in front of him to strike out the names.

9564. Supposing he does not comply with the regulations as to folding up the paper properly, is the vote lost?—No; but before the paper can be put into the box it must be so folded up, and the returning officer will call upon him to do so.

9565. Mr. *Hunt.*] Does the voting take place in those retired corners, or in sight of anybody?—It takes place in the polling booth as distinguished from the room of which the polling-booths form part.

9566. Supposing the voter does not fold up his paper but brings it out open in the room, is he allowed to place it in the ballot-box?—If he does not desire the protection of the ballot, and wishes to declare how he votes there is nothing to prevent his doing so, and I have seen that done.

9567. Is that commonly done?—No, they generally fold them. It would be difficult to insert a voting paper unfolded.

9568. *Chairman.*] If necessary it can be ascertained afterwards can it not, how each voter has voted?—Yes; by means of the number which I have already described. According to the law in order to protect the secrecy of the ballot, and at the same time to retain the power which is sometimes necessary in cases of appeal or petition to ascertain how each person has voted, a number is placed upon the back of the paper by the returning officer, and the scrutineers have to make a declaration of secrecy, and the returning officer who is always a responsible person, and can be trusted by every body, is enjoined by the Act when, after having opened the ballot-box he declares upon the face of the ballot papers how each vote has gone to be careful to conceal from himself, and from all others who may be there,—who are the scrutineers and the poll clerks,—the number on the back of the paper. The way in which that is done is this: the paper is folded and put in the box, and each paper is taken out folded, and placed upon the table before the returning officer and opened, so that the back is not seen by anybody. The vote is then read from the face of the ballot paper, and the ballot paper is put on one side until the box has been emptied.

9569. Sir *George Grey.*] Is that done in the presence of some persons?—Yes, it is done in the presence of the poll clerks and the scrutineers, and there being, of course conflicting opinions and interests, they all keep very keenly watching the result.

9570. Mr. *Locke.*] Is the number on the back of the paper?—Yes, the number is on the back of the paper.

9571. *Chairman.*] You stated that the paper not only bears a number, but that it is always signed by the proper officer?—No; it is initialled or signed on the back by the returning officer, in order as far as possible to prevent the chance of spurious papers being inserted.

9572. Then the only means of identification is the number?—Yes; which can only be used as a means of identification by being compared with the corresponding number in the electors' roll.

9573. Mr. *Hunt.* Is the number put on the paper at the time when the voter presents himself in the room?—Yes, not before.

9574. With a pen or a pencil?—With a pen usually, by the returning officer.

9575. *Chairman.*] How long does the voting continue?—One day, from 9 until 4 o'clock.

9576. Mr. *Hunt.*] What is there to prevent a voter taking in a paper with his right number endorsed upon it and forging the initials of the returning officer or his deputy?—He could not put into the box any paper which was not given to him by the returning officer unless he brought a paper in for the purpose; he might do that, of course.

9577. *Chairman.*] After the poll is closed, which lasts till four o'clock, does the scrutiny immediately begin?—Technically of course, a scrutiny does not take place except in the case of a petition.

9578. I mean the counting of the votes?—The counting of the votes takes place at once; the room is cleared of all persons who are not entitled by law to be present; that is to say, the returning officer, the scrutineers, and the poll-clerks; but I ought to have observed that, before any voting papers are put into the box at all it is opened in the presence of the persons entitled to be there, so that every one may see that there is nothing in it; it is then closed and locked, and at the close of the poll it is opened by the returning officer and the papers are taken out one by one in the way I have described; they are then made up in a parcel and sealed by the returning officer, and of course the parcels are never opened unless it be necessary to do so upon a petition.

9579. Are the votes counted at the polling-place where they were delivered?—Yes, when there is only one polling place.

9580. The ballot box is not removed to any other place?—When there are more polling places than one the ballot box is removed, because the returning officer appoints deputies at the commencement of the election who are authorised to act for him in all the various electoral districts in which the booths are provided, and who forward the ballot boxes to the returning officer when the poll is over.

9581. Are the number of the votes which have been given for each candidate at each polling-place announced there?—Yes, after they have been given at each polling-place. It is not officially done; there is no concealment of it, but it is not considered that the poll has been declared until it has been declared from the central polling place at which all the returns from the deputy returning officers come in.

9582. There are, I presume, a number of polling-places

ling-places to one electoral district?—Yes, where the electoral district is very large.

9583. And the result of the election is not officially declared until all the results of the election at each polling-place have been brought in to the nomination place?—Yes, that is so.

9584. When does the declaration of the poll take place?—Usually upon the day following at 12 o'clock, there is an official declaration of the poll.

9585. Is that done publicly?—Yes, it is done publicly.

9586. Have you ever known objections to be made to the validity of an election?—Yes.

9587. At what stage?—After the election has taken place necessarily, because any objections, which are made before that, would be objections to some particular voter. I take it that objections to an election can only take place after the result has been announced. Objections sometimes take place in the polling place to particular voters, the objections being raised by the scrutineers; as, for instance, that a man is not qualified to vote, in which case certain questions are prescribed by the Act which the returning officer is bound, upon the requisition of the scrutineer, to put to the voter, and which he is bound to answer; and in the case of voters who vote as the holders of electoral rights, who, as I before mentioned, have to sign their names in a book, the returning officer may be called upon by the scrutineers to call upon a voter to sign his name, and he is then enjoined to compare the signature so made with the signature formerly made in the book in which the signatures are recorded, and if there be a sufficient difference to induce the returning officer to believe that the voter is not qualified, and is not the same person, the vote so tendered is put on one side, and not then accepted.

9588. Is that within the control of the returning officer?—Yes, who may be moved, as I have explained, by the scrutineers either to ask those questions, or to cause the signature to be made.

9589. What is the form of objection which must be taken, if any is taken, to the validity of an election; is it by presenting a petition?—That is the usual form, a petition, which is presented to Parliament, and which, at the pleasure of the legislative body, to whom the petition is addressed, is referred to the Committee of Elections and Qualifications.

9590. Have you known objections made?—Yes, I have been a member of the Elections and Qualifications Committee.

9591. Within what time must the objection be made?—It is within a certain number of days.

9592. Are the polling papers preserved until that number of days has expired?—Yes.

9593. After the expiration of that time are they destroyed?—I am not quite sure how long they are kept, or whether they are destroyed at the end of a certain time. My impression is that they are destroyed after having been kept a sufficient time to be used in case a petition should be presented.

9594. Are the electoral districts large?—Yes, some of them are very large. The principle upon which the districts are divided is that of population, as nearly as possible. Of course, where the population is scattered, the districts are geographically very large.

9595. Can you state about what number of electors are distributed to each district?—It is very unequal, a return could be furnished showing it, but the population of all new countries is very migratory, and it is impossible to keep the electoral divisions equal without altering the law so frequently as to produce great inconvenience.

9596. Speaking roughly, could you say about what number of voters belonged to each district?—Speaking roughly, from 500 to 8,000 voters. I am speaking now of the electors for the House of Assembly, the electors for the Legislative Council are a much less numerous body; speaking roughly, there were about 10,000 under the old law. The qualification of members and electors has been recently reduced, and the number on the roll for the Council will be greatly increased.

9597. Are the electoral districts for the election of members of the Council the same as those for the Assembly?—No; they are different, both by name and in character. The districts for which members of the Legislative Council are elected are termed provinces, and are very much larger than the electoral districts from which the representatives are chosen for the Legislative Assembly.

9598. Is the process which you have described exactly the same for the election of the members of the Council and of the members of the Assembly?—Yes; there is only one difference, but it is not an important one, namely, the issue of the writs. The Governor issues the writs in all cases for the election of members of the Legislative Council, whereas for the Legislative Assembly the Governor issues the writs in case of a dissolution when there is no Speaker, but on ordinary elections the Speaker issues the writs for the vacancies.

9599. I think you stated that you have known cases of petitions being presented against the return of members; are they frequent?—No.

9600. Can you tell the Committee what has been the result of such petitions?—It has been various; in some cases the petition has been successful, and the member petitioned against has lost his seat.

9601. On what grounds has such a decision been given?—I remember that in some cases votes have been disallowed upon the disqualification of the electors being established; and where the election has been a very close one, perhaps half-a-dozen votes between the two candidates, enough votes have been challenged, and successfully challenged, to alter the state of the poll.

9602. That, I presume, has been the result of a scrutiny?—Yes, that has been the result of a scrutiny.

9603. That scrutiny, I think, could not be conducted, except by some such provision as you have described, of numbering the votes?—I believe it to be impossible to conduct it without that means being left open.

9604. Mr. *Bright.*] Have there been any petitions charging bribery or corruption?—I think there have been some in which treating, as one form of bribery, has been alleged.

9605. *Chairman.*] In the case of a scrutiny, are the whole of the numbers made public, or only those which have been decided to have been improperly given?—Only those which are challenged.

9606. In the case of a scrutiny then, is it necessary for the judicial authority whatever it is, or the court, to go through the whole of the votes?—No, not necessarily so. Supposing that a petition alleged that A. B. and C. were not entitled

Mr. *G. F. Verdon*, C.B.

22 June 1869.

titled to vote or were bribed, the chairman of the Elections and Qualification Committee would only examine the votes discovered by means of the numbers of A. B. and C. Of course a petition could be so framed, as to make it necessary for the Elections and Qualifications Committee to examine all the votes; but in that case they would observe the secrecy of the ballot, as far as it was possible to do it, consistently with the still higher duty of discovering the fraud.

9607. What is the court which tries election petitions?—A committee of the Legislative Assembly, in the case of the Assembly, or of the Council in the case of the Council appointed by warrant of the Speaker, following I believe the English practice; it is not an elected committee, but appointed by the nomination of the Speaker, who issues his warrant, and lays it upon the table a certain number of times, in order that objection may be raised to it if any one see fit.

9608. Mr. *Bright.*] In whose custody are the voting papers kept?—They are in the possession of the returning officer until the conclusion of the election, and they are then forwarded I think to the Chief Secretary, who is the Minister under whose department all the business of the elections is conducted.

9609. *Chairman.*] Have you ever known any petition presented on account of any irregularities which took place during the election?—Yes; but there is a section of the Act to which perhaps it would be convenient to refer, which gives power to the Governor in Council to cure any defects in the conduct of an election, which ought not to affect the validity of the election. Technical errors or omissions, which may have been made, and which in a court of law would be held perhaps to make the election invalid, may be cured by the order of the Governor in Council.

9610. Has fraud, such as the putting of forged voting papers into the ballot-box ever been alleged?—Never.

9611. As I understand you, when petitions have taken place, the grounds of the petition have been the disqualification of voters or bribery?—Yes; I never heard of a case of stuffing the ballot-box in Victoria.

9612. Do you recollect any other grounds which have been alleged?—No, I cannot remember now any other.

9613. Were you acquainted with the colony before the introduction of this system?—I was.

9614. What opinion have you formed of the operation of this mode of voting, first as to the purity of elections?—I believe that, although perhaps there is no country in which less protection is needed for the voter, the effect of the ballot has been most beneficial in both respects; I believe that it has tended to keep the elections pure, for they never had been I think very corrupt; and I am quite certain from my own experience and observation that the effect of the ballot is to make the election an orderly and decent proceeding instead of the reverse.

9615. You do not think that bribery prevailed to any great extent before the introduction of the ballot?—No.

9616. Used there to be any drinking?—Yes.

9617. Has that been diminished?—Not altogether, but to a very great extent it has.

9618. There does still exist some treating?—If I may be permitted to say so, undiscriminating treating is the only kind of treating that is possible now; but for those who choose to maintain the secrecy of the ballot, it is quite impossible for any one to ascertain how the people vote; and it is difficult for candidates to treat their supporters under those circumstances unless they declare themselves.

9619. Do candidates attempt to obtain general popularity by means of indiscriminate treating?—Very little.

9620. Should you say that treating had diminished since the introduction of the ballot?—Yes, I should say so, although I am bound to say that before the ballot, although there was treating, it never prevailed to a very great extent.

9621. Do you understand by treating, keeping public-houses open at the expense of the candidate?—I understand that to be the meaning of the term.

9622. Are the elections, in general, quietly conducted now?—Yes.

9623. Have you ever known of riots?—I remember that one riotous meeting was held, I think, after the declaration of the poll at one of the elections at Ballarat, which is one of the electoral districts of Victoria; but I do not remember any case in which there has been even a serious disturbance during the conduct of any election under the ballot, and the reasons are very obvious. It is only when the state of the poll is published, and where there are, perhaps, disappointed adherents to get up a disturbance, that disturbances take place. Where both parties are quite uncertain as to the result of the voting, we have found in the experience of Victoria that no rioting takes place.

9624. Have you never known of attempts made to prevent voters who were supposed to be hostile from coming to the poll?—No.

9625. Is there much excitement about the election often?—Yes, intense excitement; but it is the excitement caused by the political questions which are being discussed.

9626. Do a large number of the electors generally give their votes?—Yes, the proportion varies in various districts. Where the districts are very large, and the electors have to come in a great distance in order to record their votes, so large a proportion of the total number on the roll do not record their votes as in smaller districts, and in towns where the polling places are easily accessible.

9627. You would not say that the introduction of the ballot had caused any apathy on the subject of elections?—No, I should say not, certainly.

9628. Have contests been frequent under the ballot?—Yes, for the Legislative Assembly they have been.

9629. Is it the rule or the exception for a contest to take place?—The rule.

9630. What number of members are elected for one district?—I think three is the greatest number in any district that I can remember.

9631. Does any district return only one member?—Yes.

9632. Can each voter give as many votes as there are members?—Yes.

9633. Are there generally a great number of candidates, or only about double the number for whom there are vacancies?—That depends entirely upon the circumstances of the case; if there be a general election, there are of course not so many candidates in each district as there may be, and frequently are, in the case of an isolated election taking place while the House is sitting.

9634. In

9634. In such a case there are sometimes a great number of candidates?—Yes.

9635. Have you formed any opinion as to whether the system as practised in Victoria is superior or inferior to other ballot systems?—I think that in that particular, which I have mentioned, namely, that a scrutiny is possible without in any material degree affecting the secrecy of the ballot, and the protection which the ballot affords, the plan observed in Victoria is superior to the plans observed in other colonies and countries where no scrutiny is possible. My belief is that where there can be no scrutiny, the facility for stuffing the ballot-box, or for recording improper votes, is greater.

9636. Is secrecy practically preserved, or is it generally known how each voter votes?—In some cases it is known, and in some cases it is not; it is made known by some electors who choose to do so, who think it is proper that they should declare how they vote, and it is concealed by those who choose to avail themselves of the advantage which the ballot confers.

9637. But the system does give perfect secrecy if it is required by the electors?—Yes, perfectly so.

9638. Have you any knowledge of elections as they are at present conducted in this country?—I have not seen any election that has taken place in England since I have been here.

9639. Have you formed any opinion as to whether this system would be adapted to a country like England?—Of course I can only now speak as a matter of opinion, and my opinion is, that there is no country in which it would not be well to introduce the system of the ballot, and I cannot conceive any reason why it should not be adopted.

9640. Do you think that in a very small constituency it would practically give secrecy?—I think so, if secrecy be desired by the electors; but it must always be remembered that if the electors choose to reject the protection which the ballot affords them, if they think fit to declare how they vote, they can do so, and especially if the candidates think it proper to canvass and endeavour to ascertain how electors will vote before the election takes place. Many of the candidates in Victoria consider that that is inconsistent with the ballot, and I think I may say that there is scarcely such a thing known as a personal canvass there; most of the candidates for the Legislature of Victoria are content to let their views be known at public meetings; they rely almost exclusively upon that for the favour of the electors.

9641. Is there a great amount of that open public canvassing before an election?—No; I said that there is no personal canvassing, but it does sometimes occur, and I may say that it frequently occurs that the committees of the candidates exert themselves to secure votes for their candidates; but in that case I have frequently known it to happen that electors who have been canvassed have resented it as an offence against the principle of the ballot, and have absolutely refused to say how they would vote; so that personal canvass, I may say, is almost abolished, and the canvassing of committees is not nearly so much pursued as it used to be.

9642. In a small constituency, if a large majority of the voters reject the protection of the ballot, cannot they make it almost impossible for the minority to keep their votes secret?—I do not know by what means that could be done.

9643. If a small constituency is very completely canvassed, and a large number of the voters publicly declare at the poll how they vote, does not that in effect disclose at the same time how the remainder have voted?—By that exhaustive process, of course it could be ascertained, but it would be very troublesome, and being inconsistent with the principle of the ballot which the large majority of the people approve of, such plans are not adopted; I must guard myself against being misunderstood, by saying that in many districts the electors choose to declare how they vote, and in that case, of course, it is known by their own consent.

9644. But you believe that if a voter wishes to keep his vote secret he is able to do so?—I am quite certain of it; I should perhaps add in this connection, that there are some persons in Victoria who consider that the ballot is not sufficiently secret, because of the numbers which I have spoken of being inscribed upon the back of the voting papers. There are some persons who are suspicious, and think that it is impossible that the returning officer can observe the law, which requires him not to see what the number is. And I was a member of a committee of the Legislative Assembly appointed to consider the electoral law, when this question was discussed, and a suggestion was made, which I think would entirely meet the objection, for the complete protection of the ballot: the plan was this, to have a part of each voting paper like the flap of an envelope with adhesive gum, and that the number should be inscribed, so that when the flap is turned over upon it, and sealed down, it is utterly impossible without cutting the paper to discover what the number is, so that when the paper is taken out of the ballot-box and unfolded, the returning officer, nor the scrutineers, nor anybody in the room, can discover what the number is, nor can connect the number with the person on the electoral roll to whom the number applies. That plan has not been adopted, because the objection that the voting papers are not secret is not sufficiently strong or universally entertained to warrant a change in the law; but I think that if the objection were strongly and more generally entertained, that would be the way in which it would be met.

9645. Is any difficulty found in obtaining the services of properly qualified returning officers?—None.

9646. By whom are they appointed?—They are appointed by the Governor in Council. It is regarded as a very honourable office.

9647. Are they appointed for each election, or are they permanently appointed?—They are appointed during the pleasure of the Governor in Council, and they may act for any number of elections, but they may be removed.

9648. Is there any great responsibility which attaches to that office; if the returning officer was disposed to favour one candidate, would it be possible or easy for him to do so?—I think it would be most difficult, because he is never alone. Always assuming that it is possible for him to attempt such a thing, the men who are appointed are men of high standing, and are not to be suspected of such a breach of the law, for which, by the way, they render themselves liable to a penalty of 200 *l.* if they are convicted of any malfeasance at all in conducting their duties; but it would be

Mr. G. F. Verdon, C.B.

22 June 1869.

be impossible, almost, for them to be successful in any such attempt, because they are never alone, for they are perpetually watched by persons of conflicting interests, the representatives of the various candidates. The scrutineers representing A. would be prepared to detect anything done in favour of candidate B.

9649. When you say that the returning officer is appointed by the Governor in Council, do you mean the returning officer for each polling district, or the returning officer at each polling place?—The returning officer for each electoral district is appointed by the Governor in Council, and he, under the Act, appoints his deputy returning officers for the respective polling places if there be more than one.

9650. Mr. *Hunt.*] With regard to the security, that a voter should not use a paper which is not given to that voter by the returning officer or his deputy, supposing that a voter brings into the room, already prepared, a voting paper in favour of any particular candidate or candidates, with the right number written on the back, and the initials of the returning officer forged upon it, is there anything to prevent him making use of such a paper?—He has, in the first place, to pass the ordeal of the polling booth itself; he has to come into the room and come out of the polling place with the paper, and unless it were a very exact copy, unless it were a fac-simile of the proper voting paper it would be detected. Those voting papers are printed upon Government paper in a special way, and of course they are only liable to such objections as might be urged against any printed document.

9651. Is the form of the paper changed at each election?—I am not sure that it is in any special way. I do not think it is.

9652. Supposing that a person had procured the voting paper used at one election, he could have it copied for another election, could he not?—Yes.

9653. The paper is not manufactured specially for voting?—No; it is a paper that is ordinarily used for Government forms.

9654. Have you ever heard of this being done: a voter coming into the ballot-room, receiving the proper paper, putting it into his pocket, putting in another paper into the ballot-box, coming out of the room and giving the proper paper to another voter to make use of?—I never heard of such a case.

9655. Do you know that that has happened in Tasmania?—I have heard that it has happened there, but I never heard that it has happened anywhere else.

9656. Have you heard that it has been carried on systematically in Tasmania, in order to be able to bribe the voters voting upon the system you have described?—No; I have never heard of that.

9657. Do you see anything to prevent it?—I have mentioned already the difficulties which would occur.

9658. The difficulties which you mentioned were in the case of a person making use of a paper which he himself had prepared, but will you address yourself to the difficulty of preventing it; bringing a voting paper out of the ballot-room, and giving it to voter B., and B. making use of it, and voter B. transferring his paper to voter C., and so on?—I do not quite see what advantage it would be to any one to adopt that course.

9659. This advantage, that, by sacrificing the first vote, a person might be enabled to bribe every subsequent voter?—Of course it is possible to bribe every voter now.

9660. If you understand me, A. gets a proper voting paper from the returning officer, but does not make use of it, and his vote is thrown aside; then he brings that paper out to voter B., strikes out the name that he is wished to strike out, and receives a bribe for so doing, and then goes in and receives that voting paper from the returning officer, but does not make use of it, but having the voting paper B., comes out and hands his voting paper to voter C.?—I think that if that were done to any considerable extent, it could scarcely fail to be discovered. In the case of a scrutiny, of course the whole thing would be detected.

9661. How?—Because the persons who voted would know how they voted, and upon a scrutiny, their votes being examined, it would be ascertained how they voted.

9662. But supposing that voter B. used the voting paper of voter A., and there was nothing to show that voter B. had so used it, it would not appear upon the scrutiny whether voter A. or voter B. had put voter A.'s paper into the box?—But voter A. and voter B. are persons represented fraudulently, but A. and B. would know how they voted in case of a scrutiny.

9663. Supposing that A., B., C., and D., four voters, are all in collusion on the subject and receive bribes for their votes, voter A. sacrifices his own vote by using a paper which will not count at all, his vote being lost he puts the paper into the box, but which, on a scrutiny or the examination when the poll is declared, is lost; then voter B. uses voter A.'s paper, voter C. uses voter B.'s, and voter D. uses voter C.'s, what is there in the scrutiny to show who put the particular paper into the box?—I cannot see in what way that could be detected, but I would observe that the only object that I can make out which would be gained by anybody by that, would be to ascertain on the part of the briber that the bribed had done their part.

9664. But there is nothing according to the present system to show who has put the paper into the box?—Not any particular paper; there is nothing but the precaution which I have already stated.

9665. Supposing that that is not done, but supposing that a person comes and personates a voter and is not detected at the time, on a scrutiny there would be nothing to prove that the person who put the voting paper as the number I have described into the box was the voter?—Except the fact that the voter himself did not do it, and if there was any question about it he would be called himself.

9666. Supposing that a person successfully personates a voter and the voting paper is counted, you never would afterwards disprove except by the production of the voter himself that he had been personated, could you?—There is a check before that; the scrutineers are appointed from their personal knowledge of the voters.

9667. I am putting to you the case of a voter being successfully personated?—In that case, which would be an extraordinary and exceptional one, there would be a difficulty in finding it out.

9668. So that if the scrutineers failed to detect the personation at the time you could not afterwards

wards prove it on a scrutiny?—Excepting by the production of the person who is alleged to have voted, but did not vote, and for whom somebody else voted.

9669. Mr. *Bright.*] In your colony, does the voter deposit the paper in the box himself, or does he hand it to the returning officer?—He deposits it himself.

9670. Has not it been suggested that the handing of it to the returning officer would be a mode to meet the objection which has just been raised?—I have not heard it suggested, and my impression is that the very unlikely difficulty which would have to be met in that way would not be worth the risk of letting the returning officer unnecessarily know how a man had voted. If he did not examine the paper, I presume he would scarcely be able to tell what paper it was. If he merely mechanically put it in as the voter himself put it in, I do not see that the substitution of the returning officer for the voter himself in the act of putting it in, would make any difference.

9671. Is there not any plan of putting the initials of the returning officer on the face of the paper?—No, the initials are on the back.

9672. If it was handed to the returning officer he would see that it was the same voting paper which had been handed to the voter?—Yes, if the initials or name were on the back; but, according to the case submitted by the Right honourable Member, it would not answer the objection, because all the papers which are to be put into the ballot box by the bribed voters would be papers actually initialled or signed by the returning officer, and brought out for that purpose, except the first one.

9673. Mr. *Hunt.*] You do not know yourself that that has been successfully done in Tasmania?—I do not know that it has been; but I am quite sure that it has not been done in Victoria.

9674. But at the present moment you see no way of meeting that objection?—No.

9675. Sir *Michael Hicks Beach.*] When you say that the returning officer of a district is appointed by the Governor in Council, what is the precise meaning of that appointment; is it made by the Governor, or is it made by the Council, who I suppose are the Ministry?—The Council consists of the Cabinet for the time being who advise the Governor in all matters, and who, of course, advise him upon that, and the Governor appoints, as the Queen does here, with the advice of Her Ministers.

9676. Then the appointment is practically made by the Ministry for the time being?—Yes, certainly, and upon their responsibility.

9677. And, of course, that Ministry are of one party as it were?—Yes.

9678. Is not the appointment of the returning officer ever made to serve the interests of that party?—I never knew of such a case.

9679. He has great power, has he not, under this system of finding out the way in which persons vote?—It is possible that he might if he were very expert in the handling of the papers, and if he were able to meet the objections which would be instantly urged by the scrutineers who were present to his looking at the numbers; he might in that case see some of them, but I believe physically that it would be almost impossible for him to connect the numbers with the names on the roll which is not then before him, and to do that without being detected and stopped by the scrutineers, and afterwards fined by the magistrates, as provided by the Act.

9680. Did you state what the number of voters was in the constituencies, on an average?—I stated that the two extremes were from 500 to 8,000. There are constituencies of 500, which have been reduced to that number by the migration of the people; 500 is a smaller number than would be in one district under ordinary circumstances.

9681. It might be possible, might it not, for the returning officer in a very small constituency to be able to connect the names of the voters with the numbers?—Unless he were able to retain in his memory the names on the roll with the corresponding numbers, and in carrying all those names and numbers in his mind, to observe how each number voted, because he would only have the number on the ballot paper, he might do that by a very great effort of memory; and always assuming that he, contrary to law, looked at the back of the ballot paper instead of the front when he declares how the vote has gone.

9682. So that the whole thing is public if he chooses?—Of course it is physically possible; he could turn it over, but the instant he did it the scrutineer would call it in question, and demand that the examination of the voting papers should be stopped in order that that question might be decided.

9683. You stated that freedom from rioting had been secured by the poll being kept secret; might not that result be arrived at equally by the whole poll being kept secret as by each individual vote being kept secret?—No; because it is utterly impossible, if the scrutineers are admitted into the polling place, to keep the state of the poll secret. The scrutineers keep a record of the votes, and if they are publicly declared and proclaimed, they can state from hour to hour, or minute to minute, how the voting is going on.

9684. Do you think it would be impossible to prevent their imparting that knowledge?—You might lock them up; but I think they would contrive to give information to the voters coming in to vote.

9685. Is there much anxiety in Victoria on the part of the persons who are candidates for the Assembly to get elected to it?—Yes; I have already, in reply to a question, explained that in the case of a general election there are not so many candidates for each constituency as there are when there is only one election.

9686. What is the point upon which elections turn; is there any regular party feeling, as there is in England?—Yes.

9687. Do parties continue to be opposed to one another on definite grounds?—Yes; parties who have been opposed continue to be opposed to one another; for the last 10 or 12 years, certainly.

9688. Then the Government of Victoria is by a system of party, precisely the same as it is in this country?—Precisely; I ought perhaps to qualify that answer in this respect; in a new country there is so very much to be done in the way of creative works, so much to be done about which everybody agrees, so many material things to be looked after, that there is not perhaps time or room for so many theoretical differences as there is here.

9689. Has the fact of those works having to be done any influence in inducing electors to vote for any particular candidate?—I do not think so;

Mr. *G. F. Verdon*, C.B.

22 June 1869.

of course, this consideration must not be lost sight of in my last answer, that where the whole electing body is divided into electoral districts, members representing particular districts, and who advocate the interests of those particular districts, are more favoured than, perhaps, strangers, who do not know what the interest of the particular districts are, and who would not be disposed to advocate them as strongly as local members; but that, I believe, is common to other countries.

9690. Is it common for a candidate to promise that he will secure the expenditure of a certain amount of Government money in the district if he is elected?—No, I never heard of so coarse a promise as that being given by anybody, and if it were it would be resented by the Government, and I do not think he would be able to carry his promise out.

9691. You stated, did you not, that the ballot had put down bribery very much?—Yes, but let me rather say that it has prevented it; it has literally come before it; there never has been any great amount of bribery in Victoria, nor will there be in any new country, especially where the franchise is very extended; it is too large a matter, even if candidates were to be found able and willing to bribe; it would be such a very costly business to bribe a sufficient number to turn the scale, that it would be hopeless, even if persons were so disposed. Although men there value the honour of being elected members of the Legislature, it is not so great an honour as to justify them in expending a very large sum of money.

9692. And bribery really never existed very much in Victoria?—I do not think it ever did.

9693. Mr. *Edward Egerton.*] Were you in Victoria at the time of the adoption of the ballot?—Yes.

9694. Had there been a great demand for it for some time previously?—No.

9695. What led to the adoption of the ballot?—I think, in the first instance, that it was taken up as a theoretical principle rather than from absolute necessity for it at the time; it was necessary, no doubt, but not in the same degree that it is necessary in other countries, I think.

9696. Then it was not introduced as a remedy for existing evils in the shape of intimidation and bribery?—No, I do not think that that was the principal object of its introduction.

9697. Did it find one friend in the first instance?—Yes.

9698. Who was that?—Mr. William Nicholson.

9699. Was it debated much in the Assembly?—It led to a change in the Government.

9700. Did the incoming Government adopt it as their principle?—Yes, as far as I remember it, it was a ministerial crisis; there was a temporary change in the Government; Mr. Nicholson, who introduced the ballot, was not in the first instance successful in forming a Government, but he eventually became Chief Secretary and head of the Government.

9701. Did he introduce it then?—The ballot was introduced by him.

9702. What was the state of public opinion, was it gradually in favour of the ballot, or was it immediate?—In the absence of any experience of it, in the first instance, I think, that public opinion was divided upon the subject. All that party which we called the Conservative party were opposed to it, all the others, as a matter of principle, were in favour of it; but now that it has been tried, my belief is that a very few prominent men in public life in Victoria, on either side, would consent to any alteration.

9703. Have you had any protest against it?—No.

9704. You talked about the state of public opinion in Victoria; what are the questions generally which divide the two great parties in that country; are they questions connected with land?—In the first instance they were; the two parties were separated by that question; one party desired to make the lands available upon very favourable terms to persons going from this country, and to those who were then there, and the other party maintained the expediency of selling the lands by auction at a certain price without the facilities, which it was proposed by the Liberal party to give.

9705. And that difference of opinion has continued up to this time, has it not?—It is not now so strongly marked as it was, because the law of the country provides that lands shall be given to all who are willing to settle upon them upon very advantageous terms.

9706. Has not that question been the cause of several changes of Government in Victoria?—It has, but not now.

9707. Within a very recent period?—Yes, within the last few years; but there has been one Government in office now practically since 1863.

9708. I understand you to state as the result of your opinion, that nearly the whole of the people in Victoria are favourable to the ballot?—I should say so; of course we have no means of judging absolutely, but my opinion is, that if the people were to be polled to-morrow, there would be very few indeed who would vote against it.

9709. Mr. *Locke.*] You stated, at the outset of your evidence, that there were expenses incurred by candidates; what are those expenses?—The hire of committee-rooms, the hire of rooms for public meetings, and the printing.

9710. Is that all?—Yes, that is all; I ought to add, perhaps, the hire of carriages to convey voters to the places of voting.

9711. The candidates do pay for the carriage of voters to the poll?—They do in districts where it is necessary.

9712. Is that legal?—Yes.

9713. And there is no restriction whatever upon that?—No.

9714. What are the distances that they have to carry the voters?—That depends entirely upon the size of the district; some districts are very large, and voters may have to be brought as far as 20 miles, or 30 miles, perhaps.

9715. Have you a great many polling places?—Yes, in very large districts necessarily have a very great many.

9716. About what would be the area of the largest district where there are 12,000 electors?—The largest number of electors are sometimes in the smallest districts; it is the sparsely populated districts which are so very large. I can scarcely give you, without reference, exactly or approximately the size for any one district, but they are very large, as large as English counties.

9717. Did I understand you to say that the distance which a candidate would have to bring voters would not be more than 30 miles?—No, it would be considered that if a voter had to come further

further than that, or even as far, his convenience had not been sufficiently consulted in the appointment of polling places, which can only be appointed by the returning officer upon certain specified conditions being fulfilled; at least, the returning officer recommends it upon the requisition of the persons interested; and the Governor in Council, upon the recommendation of the returning officer, or police magistrate, appoints a polling place, so that there is a check upon any abuse of that power.

9718. Has the candidate to make a return of his expenses?—He has to make a return of his expenses.

9719. In what way is that done?—It is published.

9720. To whom is the return made?—To the returning officer.

9721. And that is published by him?—Yes.

9722. Can you state with respect to any particular election, what that sum has amounted to for the expenses of the candidate?—I can only speak of my own election. Mine was scarcely a proper criterion, because it was a very small town, and of course the expenses were not so great as in other places. I have never spent more than 500 *l.* upon an election.

9723. Was it that contested election?—Yes, a very severely contested election.

9724. Yours was a town constituency; how many voters were there in the town?—Twelve hundred.

9725. In a large district representing, I suppose, about three counties in this country, can you state what expenses have been incurred by a candidate?—I can only speak from hearsay. I have heard of as much as 2,000 *l.* or 3,000 *l.* having been expended on an election where there has been a very severe contest.

9726. Has that been the returned amount?—I am not sure as to that, but that was an extreme and an unusual case.

9727. Do you know whether or not the candidates always make a full and accurate return of all their expenses?—It is quite impossible for me to say; I only know my own case.

9728. What is the opinion in the country?—Whether every shilling is certified or not, I do not know, but I am quite satisfied of this, that for the most part the expenditure consists of the various items that I have mentioned, the hire of committee-rooms, the hire of carriages, and printing.

9729. Are there any paid canvassers?—I think that in some cases there have been, but that is very exceptional.

9730. Can a voter be a canvasser?—Necessarily so, because nearly all are voters.

9731. Then a voter may be paid as a canvasser?—It is possible, but I question if that would be considered legitimate.

9732. Has the question ever been raised?—Not to my knowledge, for the reason which I have given, that canvassing is not the rule there, it is very exceptional, and it is inconsistent with the ballot. The effect of the ballot is to reduce canvassing.

9733. You have been asked with regard to A, B, C, and D, taking in those papers; are you of opinion or not that a number being placed upon the paper would be a check to anything of that sort; that you would be able to know whether the person whom his number represents has voted or not, or at all events has been supposed to vote?—I have explained that the principal check upon that is, in fact, that they take care to appoint in each polling place for every electoral district people who are thoroughly acquainted with the personal appearance of nearly every voter in the district, and it would therefore be a most difficult thing for anybody to personate anybody else.

9734. That identification takes place in the outer room, as I understand you?—There is usually only one room, because the polling-booths are merely cells divided by wooden partitions in the room.

9735. Are those large rooms?—Yes.

9736. Must they necessarily be so?—Yes.

9737. And in that part of the room which the voters come to in the first instance he is identified?—Yes.

9738. Then is the paper by which he is to vote handed to him?—Yes.

9739. With a number on the outside?—Yes.

9740. Then he goes into the cell, he folds the paper, he then takes the paper to the box, and he just puts it in?—Yes, having folded it.

9741. So that the paper is not manipulated in any way by the returning officer or anyone else?—I have already explained, that before an election commences, it is the duty of the returning officer to sign his initials on the backs of all the papers.

9742. Do you think that it would be an advantage if the paper were handed into the hands of the returning officer, and that the returning officer should place it in the box?—I do not think so.

9743. Have you ever seen an election in Paris?—No.

9744. Mr. *Graves.*] You have spoken of different lists, the ratepayers' list and two other lists; will you explain what the different lists are?—The whole of Victoria is divided into municipal disticts; all the ratepayers in each municipal district are placed upon what is called the municipal roll, that is, the roll of persons who are ratepayers, and are therefore entitled to vote. It is the duty of the town clerk, in each municipal district, to return that roll as the roll of that district, which, after having passed the revision court, becomes the ratepayers' electoral roll for that district, that is to say, all persons who are ratepayers in any municipal district become *ipso facto* electors for the electoral district, of which the municipal district forms a part; that constitutes one roll, and is called the ratepayers' roll. The other roll consists of the names of those persons who claim in virtue of manhood suffrage; we issue to them an elector's right, and that is called the electors' right roll. Those are the only two lists.

9745. Is the payment of rates a condition of the name being placed upon the ratepayers' list?—Yes; each person claiming to have his name inserted on the roll must not only be a ratepayer, but must have actually paid the rates due before he is entitled to vote.

9746. Sir *George Grey.*] That is for the municipal elections, is it not?—Yes, that is for the municipal elections; and if he be not on the municipal roll, showing that he is a person entitled to vote at the municipal election, he cannot be allowed to vote for the electoral district, because the ratepayers' roll becomes the electoral roll.

Mr. *G. F. Verdon*, C.B.

22 June 1869.

9747. Mr. *Graves.*] Is anything paid for getting on the electors' rights list?—One shilling for registration.

9748. Anyone claiming to be on that list must himself come and make the application?—He must make a personal application to the electoral registrar of his district, and he must answer certain questions prescribed by the Act, as to his having resided in the colony for a certain time, and he must then sign his name in a book kept for the purpose by the electoral registrar; he then receives an elector's right; his name is inscribed upon a list which afterwards, after having passed the revision court, becomes the roll, and if no successful objection be urged to his name being included on the list it is recorded there, and he, upon the production of his elector's right when he goes to the polling-place, is entitled to vote, unless there be some question as to his identity, when certain queries can be addressed to him by the returning officer which he is bound to answer; and if there still remain any doubt as to his identity, he is required to sign his name, and a comparison is then made between the signature in the book in the polling-place and the signature in the book when he applied for the elector's right, and if there be a sufficient difference to warrant the returning officer in doubting his identity, his vote is not at that time received, but his voting paper is put on one side for further examination.

9749. *Chairman.*] Do a large number of persons who would be qualified omit to go through the process of having their names placed upon the roll?—I think the great majority of the persons who vote in Victoria are qualified in respect of being ratepayers or holders of property.

9750. Are there a large number besides those who are qualified who do not go through the necessary process?—I cannot say what proportion, if there is any proportion of the remainder, that is, of persons who are not ratepayers, but who would be entitled under manhood suffrage to electors' rights, who do not ask for electors' rights.

9751. Does the 1*s.* prevent a great many claims?—No.

9752. Would it be a corrupt payment for anyone to pay the 1*s.* for the voter for the registration?—It would be so considered.

9753. Mr. *Graves.*] Is residence a necessity for getting on that electors' rights list?—Yes.

9754. What length of residence? — Six months.

9755. Sir *George Grey.*] Does that apply both to the ratepayers' list and to the electors' rights list?—I am speaking now of the electors' rights list.

9756. Mr. *Graves.*] Are they both the same, or is there any difference as regards residence for ratepayers?—No; I think if a person be once on the list of ratepaying electors he becomes qualified even without having resided for the six months required in the case of a manhood suffrage claimant.

9757. Have all who are on the ratepayers' list a vote either for the municipality or for the Assembly?—Yes; it is the list which is the roll for the municipal district which becomes the roll for the electoral district after it has passed the revision court.

9758. Has each person on that list the same number of votes for the one as for the other, or is there any distinction; has a person on that list of voters so prepared for the municipality any plurality of votes?—If he have property in other electoral districts he may vote in respect of that property, but not in the same district; that is at the election of a member to serve in the Legislative Assembly, but in the ordinary municipal elections for municipal councillors, where property is the main thing considered; a person owning property of a certain value may have votes within certain limits in proportion to the value of his property; in other words, he has a plurality of votes in the case of municipal elections.

9759. What is the maximum number of votes that anyone can have for municipal elections?—Three, I think, is the number.

9760. You have no plurality of votes for the Parliamentary elections?—No.

9761. May I ask if voting is confined to males both in the municipal lists and also in the Parliamentary lists?—I think it is every male person; I am not quite sure, but the question has been raised, and I believe it can be ascertained on looking at the Municipal Act.

9762. What provision is made for voters who can neither read nor write, in objecting to any persons upon the list as they go in to mark up their ballot paper?—There is this distinction, almost an anomalous distinction, between the cases of electors who vote on their electors' rights and those who vote because they are on the ratepayers' lists In the case that I have mentioned of electors' right holders, each person claiming to vote has to sign his name; that provision does not apply to persons who vote because they happen to be ratepayers, but only for manhood suffrage votes.

9763. But if a man cannot read, what happens?—He cannot have his elector's right, because he has to sign his name; it is a condition precedent.

9764. Is it an actual disqualification if he cannot read or write?—Yes, in that way it is, indirectly.

9765. Then it would be difficult, where an elector can neither read nor write, to carry out a machinery such as you have been describing?—Provision is made for that case, but only in the case of those persons who are on the ratepayers' roll. In that case, if a person cannot read or write, the returning officer is required by the Act to go with him into one of those places, and, at his request, to mark out the name of the person or persons for whom he does not intend to vote.

9766. You spoke of a suggestion which had been made for giving greater security to the ballot, that by turning down a flap upon the voting paper, a number could be inserted and gummed down by some adhesive matter?—Yes.

9767. Supposing the case of a scrutiny, how would it be possible to avoid opening all those numbers up to detect any particular number?—In that case that would have to be done. All the numbers would have to be exposed by cutting the flap, but it would not be necessary from that, that all the numbers should be compared with the names of the persons upon the electoral roll.

9768. Mr. *Cross.*] Will you tell me whether there are any large number of waste votes from the papers being improperly filled up?—No; the process is so simple that it is not often the case that a mistake is made. There used to be sometimes a doubt when pens and ink were used, because

because the voter in folding the paper, not having blotted it properly, might perhaps make more marks than he intended, but now that pencils are used, that does not so often occur; a very small per-centage indeed of the votes are doubtful, and that is where the mark is sprawling or perhaps touching two names, and it does not appear to be quite clear which one was intended to be struck out; in that case the returning officer exercises his judgment, and obtains the assistance of the scrutineers and poll clerks to determine what the intention of the voter might be, but that is very exceptional.

9769. They are the absolute judges upon that matter?—Yes; unless afterwards there should be a scrutiny, when of course their decision would be liable to review by the Elections and Qualifications Committee.

9770. What is the proportion of the people now living in the colony who cannot read or write?—I could scarcely say without statistics, but a very large proportion can read and write, and the proportion of those who can read and write is increasing every year; a very large sum is spent by the public upon education.

9771. I believe you are acquainted to some extent with education in England?—Yes.

9772. Should you say that education in the colony is more advanced than it is in England?—Yes; I should say considerably, and if I may venture to say so, for this reason, that it has been made a great national question with us, because those who have had the direction of affairs in Victoria, have felt a peculiar responsibility resting upon them in the face of almost universal suffrage, which we have there, and it has been considered a duty on the part of all Governments, quite irrespective of party, to make the people, by means of public instruction, fit to exercise the franchise which they possess,

9773. Supposing a man fills up a voting paper and puts it in the ballot-box and goes away, and then another man comes up and claims to vote in the same name, that does happen now and then, I presume?—It is very seldom successful, because the scrutineers are able to detect almost every person.

9774. Supposing that that man comes a second time and makes a claim, what is done with the voting paper?—If it is detected, the voting paper is rejected, and if it should get into the box, of course it affects the election to that extent.

9775. I am now presuming that the right man comes second, when the first voting paper is in the box; that the second man, the proper man, comes and presents his voting paper; that voting paper is not put into the box?—No, it is not, it is put on one side.

9776. What is done with all those papers which are put on one side, when the election is over?—They are examined by the returning officer, with a view to determine whether they should be received or not.

9777. Now, take the case of personation; supposing that the returning officer was satisfied that the right man was the second man, would he allow that vote?—Yes.

9778. So that both votes would be allowed in that instance?—Subject to alteration afterwards, when the box was opened, or to the examination of a scrutiny upon a petition.

9779. In ordinary cases, when the second vote was allowed, would the first still remain good?—I am not quite sure what the practice of the returning officer would be in that case; I may be perhaps permitted to mention that one gentleman summoned to attend the Committee to-day, Mr. Paterson Muir, has had great experience as a returning officer, and will be able to inform the Committee with respect to all those details with which I am not so well acquainted.

9780. Mr. *William Henry Smith.*] You mentioned that it is usual for candidates to furnish conveyances for voters; can you tell the Committee by what process the candidates arrive at the conclusion that it is to their interest to convey the voters to the poll, seeing that there is no canvass?—It is owing partly to the condition of the district and the condition of the outlying parts of it from the nearest polling place, which, of course, they will be quite aware of, and partly from the description of their committees, the members of which are all resident in the locality, and who know it well.

9781. Then there is a canvass, which results in a certain amount of knowledge as to the mode in which a man is going to vote?—To some extent.

9782. Sir *George Grey.*] How does a candidate know that he brings the right man up?—The result of the adoption of the ballot in Victoria, in relation to the carriage of voters to the polling place, is just this, that they come promiscuously on any carriage that may happen to be there, and you as frequently bring your opponents as your friends.

9783. And do the candidates agree to furnish a certain number of conveyances?—Yes, that is the usual course, in order to render it possible for every party in the district to vote.

9784. Mr. *Whitbread.*] You were examined at some length by the Right honourable Member for Northamptonshire, upon the system of bribery which had been carried out successfully in Tasmania, and that was done by one man sacrificing his vote, and bringing out his paper, and so handing on that paper in succession to a chain of voters all bribed. I want to ask you whether it would not be quite possible to meet such a case as that, by having attached to the voting paper a small slip, upon which the returning officer should put a mark or a consecutive number, and which slip should be torn from the voting paper just before it was put into the box; would it not be a complete check against a system of that sort, if when this voting paper is to be put into the ballot-box, the officer who presides over the box would simply tear it off, and that the number is the consecutive number in which the voter ought to have voted?—But the question is when is the returning officer to tear off the slip.

9785. The officer at the ballot-box might tear off the slip at the stage at which it is put in; would it be possible for this voter having received this paper with a number attached to it, to come and put in a fraudulent paper of his own, and so to take out of the room the proper paper which the returning officer gives him?—Of course it requires some consideration to determine that, but my impression is that the danger is so remote and so infinitesimal in fact in practice, that it is unnecessary to adopt any very elaborate arrangements to prevent it.

9786. Do you see how this arrangement could be defeated by a voter desiring to be bribed, and to show how he voted?—Unless by the production

Mr. *G. F. Verdon*, C.B.

22 June 1869.

duction of a similar paper; he might forge the slip just as well as the paper.

9787. Will you tell the Committee on what grounds a scrutiny can be demanded?—Upon any one of those grounds which are usually alleged in a petition addressed to Parliament under the old law of England, which has been borrowed by us.

9788. To whom is the petition addressed?—To that branch of the Legislature in which the member is.

9789. Does that branch of the Legislature exercise their right of refusing to have a scrutiny?—It does not rest with the Legislature as a body. As I have already explained, the practice is that at the beginning of every Parliament, the Speaker nominates a certain number from all sides of the House, and constitutes them the Committee of Elections and Qualifications; he lays his warrant upon the table containing their names, and does so three times on different occasions, in order that objections may be raised if the House think fit to exercise any judgment in the matter, which is very unusual. That Committee is sworn to act in a quasi-judicial capacity as judging upon the petition presented to Parliament, which, as a matter of course, are referred, without going into the merits at all, to the Elections and Qualifications Committee, and it rests with that committee to determine what shall be done with petitions.

9790. Does that committee decide by a majority of voices?—Yes, it is a court to all intents and purposes.

9791. If the petition alleges personation largely and bribery largely, does that court ever refuse to have an inquiry?—I never heard of such a case. The petitioner appears by counsel before the committee, and if he makes out a *primâ facia* case, the committee will proceed at any length in order to determine the question as to bribery, or any other allegation in the petition.

9792. Then a voter who gives his vote on the understanding that it is a secret vote, and that he can maintain his secrecy, is liable, if any one chooses to present a petition, to have his vote laid open after all?—He is liable, but that is all.

9793. When the case is being tried, is the court an open one before which it is tried?—That is at the pleasure of the committee. My impression is (I am now speaking from memory of some years back) that the committee may clear the room for discussion at any time it thinks fit, but members of the House of course are permitted to be present, and I am not quite sure as to members of the press being present while the Committee of Elections and Qualifications are sitting and taking evidence, but at times of course the room is cleared.

9794. So that if a man of great influence, a large employer of labour, or a landowner, is defeated, and desires to know how his tenants or his employés voted, he has nothing to do but to present a petition?—He has a great deal more to do than that, because he has to prove his petition, or to make out a *primâ facie* case at all events; and, first of all, only such votes as were challenged would be examined, unless it were absolutely in the cause of justice to examine them all, and his mere allegation that voters had been bribed, would not be accepted by the committee in support of the *primâ facie* case.

9795. But having proved a *primâ facie* case, he can have as many votes examined as he chooses to challenge in his petition?—Within the discretion of the committee; he cannot insist upon having votes examined unless the committee agree with him in considering that they ought to be examined.

9796. Mr. *Bright.*] Would not it be necessary to prove that A., B., and C. had been bribed, before he could ask to be allowed to prove that they had voted for a particular candidate?—In the case of bribery, yes; but I understand that other allegations were included, the question of personation, for instance.

9797. Mr. *Whitbread.*] Has there ever been a complaint against a returning officer of improper conduct in the polling?—There have been very many complaints, not of any improper conduct as defined by the Act, but of errors of judgment on minor points; but there never has been any serious objection within my knowledge.

9798. What has been the cost of a scrutiny, taking the average; is it a very expensive affair?—That depends entirely upon circumstances. If witnesses have to be brought long distances, of course the expenses are very heavy, but it is a matter upon which it is almost impossible to give a categorical answer.

9799. Who pays the cost of the scrutiny?—The petitioner; at least the costs eventually abide the issue; they are determined by the committee upon the merits of the case afterwards.

9800. Mr. *Leatham.*] Some of your constituencies are very small, are they not?—Yes, some of them are.

9801. Is secrecy practically maintained in such a constituency as 500, where of course it is very desirable?—That is my opinion, and my experience.

9802. The security against personation is precisely the same under the ballot as it is under open voting, is it not?—The same security is obtained by means of the scrutineers in every such case.

9803. How large a proportion of the electors in your constituencies record their votes on the average?—It differs; in some of the towns, where the people are all close together, a very much larger proportion of them vote than in scattered localities, where they cannot so easily get to the polling places.

9804. And it also depends in some measure, does it not, upon the keenness of the contest?—Yes, it does very much.

9805. Did I understand you to say that, before the ballot was introduced, it was exclusively advocated by the popular party, and opposed by the Conservatives?—It was just one of those questions about which the two parties would differ, and upon which they did differ theoretically, but they had no practical experience.

9806. They differ as parties?—Yes, they differed as parties.

9807. Has your attention been drawn to a speech which was delivered in this House in 1860, by the Right honourable gentleman, who is now the First Lord of the Admiralty, with reference to the ballot?—Yes.

9808. I have a report of that speech before me, in which he says, "The ballot was not in Victoria as in England, exclusively advocated by the popular or Liberal party, and opposed by Conservatives. On the contrary, some of its most strenuous advocates sat on the Conservative side of

of the House, and unquestionably its most formidable opponents were the leaders of the extreme democratic party; and to this, I think, much of its sucess is due; for not being a party measure, its details were honestly discussed, and settled by the ablest men in the House:" your opinion does not coincide with that?—After the principle was accepted, I think that there was more general approval of the measure on both sides than before, but in the first instance it was certainly a party question, although it happened that some of the leaders of the Liberal party at that time, being members of the Roman Catholic Church, and therefore opposed upon principle to secret voting, differed from their friends of the same party, and agreed with the Conservative party in objecting to the system. That I think is an explanation of the observation which Mr. Childers makes.

9809. Were there no eminent Conservatives in favour of the ballot at that time?—I am not prepared to say without looking at the division lists. I do not remember any.

9810. Is there any peculiarity in the circumstances and character of your population as distinguished from our own, which renders the ballot more applicable to their requirements than to ours?—Of course, this is merely a matter of opinion, and, as a matter of opinion, I should say that the protection which the ballot affords to those who choose to avail themselves of it, is less needed in Victoria and in all new countries, than it is here.

9811. Is it your opinion that all the reasons which render the ballot expedient in Victoria, apply here in greater force? — That is my opinion.

9812. What do you consider the weak points of the ballot system, if any, as compared with open voting?—I can see no valid objection to the ballot system. I have heard objections stated, and objections in which I do not concur, the principal one being that political feeling is reduced by the adoption of the ballot, that men who are not able to declare how they vote in public, do not care so much for the exercise of the electoral privilege. I have heard that objection stated, but the answer to that is, that those who desire to make it known, those who desire to declare how they think and how they vote, can do so under the ballot just as well as under the open system.

9813. Do you think that the ballot is unduly unfavourable to a candidate against whom there exists some private or local prejudice?—I do not think so.

9814. Do you think it works better in a constituency represented by one member than in those represented by more than one?—The only distinction which occurs to me between those two cases is this, that sometimes where it is very much desired to secure the election of one man out of three or four standing for a district in which there are two or three persons to be elected, by plumping for that one man they may, perhaps, risk the election of the other persons of the same way of thinking, but for whom they did not desire so strongly to register their votes; there is just that chance.

9815. But the advantages of the exact state of the poll not being known are much greater than any disadvantages which attach to it?—I should say so, certainly.

9816. Is canvassing conducted as keenly as it was before the ballot was introduced?—No.

9817. Elections are conducted much more quietly, are they not?—Yes.

9818. Do you know whether the expenses of the candidates have increased?—It is scarcely possible to draw a fair comparison, because before the ballot was introduced elections were not so keenly contested as they have been since; there were not so many and so great differences between political parties, the colony was smaller, and I cannot draw a fair comparison.

9819. In the speech to which I have referred, the First Lord of the Admiralty stated, "Bribery and treating in the vulgar forms in which we know them, were rife in the town constituencies" before the ballot; that is hardly in accordance with some evidence which you have given this morning?—No doubt there was bribery and there was treating before the ballot, but I believe that they never prevailed to the same extent in Victoria, or in any new country with which I am acquainted, that they have in older countries.

9820. Still there were some constituencies in which bribery prevailed?—Yes.

9821. It is now equally notorious, is it not, that that evil is very much reduced?—It is very much reduced; I believe that even there is bribery and treating, but it is to a very much less extent; at least there is some treating; I do not believe that there is bribery.

9822. Sir *George Grey*.] You said, did you not, that the ballot had been in force about 13 years?—About that time.

9823. Have you practically universal suffrage for the House of Assembly?—Yes, we have.

9824. Was that the case before the ballot was introduced, or how long has the constituency been what it now is?—It was not the case when the ballot was first introduced, and, of course, was not the case before, but the property qualification was so very low, that it was almost impossible to draw the line between any qualification that could be stated and universal suffrage, and it was that fact which led to the adoption of universal suffrage. It was found that a very large proportion of the people of Victoria, although not possessed of freehold property, had a larger amount of personal property than many others who held real property, and it was impossible, without gross injustice, to deny them votes.

9825. You mean that, practically, the constituency was just the same under the system of open voting as it is now under the system of the ballot?—There was not so great a difference as to warrant any conclusions being drawn from it.

9826. Are the municipal elections conducted by the ballot as well as the Parliamentary?—Yes.

9827. Was it introduced at the same time in the municipal elections?—The municipal institutions which now exist were created subsequently to the introduction of the ballot.

9828. You have spoken of the different political parties in Victoria; do politics run high there?—Yes.

9829. Are parties divided by a strongly-marked line?—Yes.

9830. Are the opinions of the principal inhabitants well known, and are they known to belong to one party or the other?—Yes; for the most part.

9831. At those meetings which you have spoken

Mr. G. F. *Verdon*, C.B.

22 June 1869.

spoken of which are held by the candidates, are resolutions passed after hearing the candidates, approving of them as candidates, or disapproving? —Usually it is the case, although those who desire to maintain the ballot strictly object to any show of hands, or any declaration on the part of the meeting; it is generally a sort of formal resolution, moved by some one, that A. B. is a fit and proper person.

9832. Notwithstanding the ballot, is there any indisposition on the part of the great majority of the electors openly to declare that their opinions or their preference to one candidate over another? —A very large number do declare their opinion openly.

9833. You stated just now that the Roman Catholics were, as a matter of course, opposed to the ballot; was that the case in Victoria, and why?—That was the case when the ballot was first introduced, to the best of my knowledge and belief, but whether it would be so now I am not able to say.

9834. You spoke of it as a matter of course; why should they be opposed to the ballot, or why were they opposed to the ballot in Victoria?—I am bound to answer your questions, and my impression and belief is that it was part, and always has been part, of the Roman Catholic system to influence in some degree the votes of the people through their clergy, upon all questions in which the interests of the Church are involved, and that, if the voters were prevented from voting in public, some portion of the control which the Roman Catholic Church conceives that it is proper to exercise over the electors through its priests would be lost; that is my belief.

9835. Do you then believe that the ballot has taken away, in a great degree, the influence which you have just now attributed to the Roman Catholic priests, and that it is, in fact, a protection to the Roman Catholic voter against the disclosure of his vote to his priest?—That is a matter of the confessional that I am not in a position to speak of.

9836. Do you suppose that the Roman Catholic priests exercise much influence over elections amongst the members of their own church?— Yes, I believe that they do.

9837. Of what nature is the influence?—I believe it is strictly and purely a moral influence, which is peculiar and proper to the relation which has always subsisted between a priest and his flock in that church.

9838. Do the clergy of other denominations exercise much influence amongst the members of their respective congregations?—No, I do not think that they do.

9839. You spoke just now of the expense of an election to the individual member; but do you know what the whole expense to the public of a general election for the House of Assembly is; I mean the expenses that are paid out of the revenue of the colony?—It varies much; about 12,000 *l.* I have known to be expended in a general election.

9840. How much in any particular election, taking a contested election in a populous place, what would be the whole expense to the public of the apparatus of the election?—That depends entirely upon the number of polling places required, that being of course dependent upon the extent of the district.

9841. Do you know what the highest amount has been in any case?—I think I remember having heard of one district in which the expense was very great, but that was the election of a member of the Legislative Council for one of the very large provinces where there were a great many polling places and poll clerks and other officers employed, and the amount then was rather more than 2,000 *l.*, I think.

9842. Mr. *Gathorne Hardy.*] With respect to the municipal elections, if they are conducted by the ballot, how is it ascertained in a case where there is a plurality of votes; in what way do you conduct that part of it?—A number of voting papers in accordance with the number of votes that a person is entitled to are delivered to him.

9843. With some notification upon it that it is for a person who has a plurality of votes?—The roll shows how many votes each person is entitled to.

9844. *Chairman.*] Does he get the same kind of voting paper as anybody else?—Yes.

9845. Mr. *Gathorne Hardy.*] Can he give all those votes to one person, or must he divide them? —He may give them all to one person if he thinks fit; there may be only one person to be elected.

9846. Mr. *Hunt.*] Supposing that a person is on the electoral roll, and he does not attend the election, has he any means afterwards of knowing whether he has been personated or not?—Yes, because the person who personates him must claim to vote in his name, and his number must be found upon the electoral roll, and the scrutineers and the returning officer know that No. 450, or whatever it may be, has voted.

9847. But has the absent elector any means of ascertaining whether his number has been made use of, and that someone else has personated him?—Yes, by inquiry.

9848. Of whom?—Of the returning officer or any of the scrutineers and poll clerks.

9849. Sir *George Grey.*] Are the names of the persons who actually vote published?—No, but there are several copies of the roll in the room marked simultaneously by the returning officer, the poll clerks, and the scrutineers, and from any one of them anybody can ascertain whether any particular number has voted.

9850. Mr. *Hunt.*] Supposing a person had been absent from his district at the time of the election, when he came home he would have to go to the returning officer and find out if he had been personated?—If he desired to know, assuming that that the person personating him had not been discovered by the scrutineers, which would most likely have been the case.

9851. Supposing an elector had died since his name had been placed on the roll, and he was personated, and supposing that the personator were not detected under the ballot, would you have any means of finding out afterwards that that dead voter had been personated?—I think not, unless by a scrutiny, but such a case could scarcely happen; it would be very unlikely indeed that anyone should be dead in a constituency, and that it should not be known to those scrutineers, because it is their business to find out all this, even if it should have escaped the revision court, or be subsequent to the revision.

Mr. WILLIAM PATERSON MUIR, called in; and Examined.

Mr. *W. P. Muir.* 22 June 1869.

9852. *Chairman.*] WITH what Colony are you acquainted?—Victoria.

9853. Have you heard the evidence which has just been given by Mr. Verdon?—Yes.

9854. Is there anything in the description which he has given of the system of conducting elections in that colony with which you differ, or which you wish to correct?—I think not; I think that, generally speaking, his answers have been such as I approve of.

9855. You have had considerable experience, have you not, as returning officer?—Yes, I have had considerable experience.

9856. What opinion has that experience enabled you to form upon the subject of the operation of the ballot?—I think that it works most beneficially in all respects, and I think it that it has corrected most of the abuses that it was desired to correct, as far as I have been able to judge.

9857. Does the ballot in your opinion, insure the absolute secrecy of the voter if he desires it?—Yes, if he wishes it.

9858. Could you, as a returning officer if you had wished it, have easily made yourself acquainted with the way in which a particular elector had voted?—I do not think it is possible; at least it is hardly possible.

9859. For what reason?—Hearing the question asked, I made a little sketch of a voting paper (*producing the same*); this is supposed to be a voting paper with the names of the candidates in front, and it is signed by the returning officer first of all. Then the person presenting himself states his name, and by referring to the register you ascertain that his name is on the register, or that he votes under manhood suffrage; then the returning officer attaches on the corner the same number that is on the register, putting his initials at the back; then this paper is given to the person, and he is then marked off on the list as having voted, or as having received this paper. He goes into one of the booths already described, and supposing that there are three candidates, and that there are only two to be returned, he strikes out in pencil the name of the person that he does not vote for, and he votes for the other two, or he may vote for only one; he then folds this paper across and down the middle, and deposits it in the ballot-box, which is before the returning officer in a conspicuous place. Then the returning officer when he opens the box at the end of the day, say, at four o'clock, when the election closes, when no further votes can be received, takes the papers out just before him and before all the scrutineers and all the clerks, and sees that they are proper votes.

9860. Sir *George Grey.*] Cannot he also see the number on the paper which the officials will find attached to the name of the elector on the register?—It is possible for him to turn it up and look at it in a very deliberate way, but that would be acting contrary to the law, and the scrutineers of the various candidates are there.

9861. Mr. *Bright.*] Then, practically, no investigation of the mode in which any man has voted takes place under those circumstances?—None whatever.

9862. Has there ever been a complaint that that has been done?—Not that I know of; I do not think there ever has.

9863. *Chairman.*] Have you, as returning officer, found any difficulties in the way of working this system?—None whatever.

9864. In the matter of personation, have any difficulties ever arisen?—It sometimes occurs that persons attempt it. I have never had occasion to commit any person myself for attempting it in my capacity as returning officer, but it has been done. The returning officer has power to commit any one, if he has reason to suppose that he is attempting to personate, but I have personally never had occasion to do so.

9865. Are objections frequently made to voters by the scrutineers on either side?—Not very often, it does sometimes occur.

9866. Sir *George Grey.*] When one scrutineer objects, does the other support the voter, or do they both concur in the objection?—One may object, or two may object, or they may concur.

9867. Have you any reason to believe from what takes place, that the scrutineers know or suspect how a man is going to vote, so as either to oppose or support his vote?—I think that the scrutineers are usually chosen by the candidates, because they have a very intimate knowledge of the people who are going to vote, and in all probability they know how they are expected to vote very often; there is nothing to prevent that, because meetings are held at which they express their opinions.

9868. *Chairman.*] For which electoral district have you acted as returning officer?—For the electoral district of Melbourne.

9869. Have you the selection of the presiding officer at each polling place?—Yes.

9870. Is it always possible to find properly qualified persons to act in that way?—Yes, quite possible.

9871. Is it generally a public officer that is appointed, or is it some private individual?—It is very often a magistrate, usually some person well known, and holding a good position.

9872. Should you avoid, if possible, appointing a person, who was known to take an interest in one or other of the candidates?—I would appoint neutral persons as far as I possibly could, or persons not notoriously given to any one side or other; but I think that the returning officer has nothing in his power, or his deputy either.

9873. Have you ever known any case in which it has been alleged that the ballot-box has been tampered with after the polling was closed?—No, I do not think that that is possible either. The ballot-box is given to the returning officer, or his deputy. I should say, that before the polling commences, this ballot-box is exhibited before all the scrutineers, and poll-clerks, and persons who are properly present; it is exhibited as being empty, and then it is locked, and at the close of the poll it is again exhibited as empty, and the votes are counted before you leave the room.

9874. By the returning officer's deputy in each polling place?—Yes.

9875. I think it was stated by a witness from South Australia that the ballot-boxes from each polling district were brought into the central election place?—That is so.

9876. Which system do you prefer?—They

Mr. *W. P. Muir.* 22 June 1869.

are counted at the polling place by the deputy of the polling place, and the deputy takes the box, after sealing up the papers, to the returning officer, and the returning officer adopts his return, and incorporates it as a whole, the returning officer taking possession of all the boxes, that is to say, the returning officer, not the deputy returning officer.

9877. I suppose that at some polling places very few votes, indeed, are given?—In Melbourne, where I have always presided, the number is very great very often.

9878. But in country districts, how is it?—Sometimes the number is very small, the people migrate so much.

9879. Is it generally known what number of votes is given for each candidate at each polling place?—Yes, it is generally known at each polling place.

9880. Is there any other remark on Mr. Verdon's examination which you wish to make?—Generally, I agree with Mr. Verdon's examination. I think with regard to the expense of the candidates, that is to say, the actual legal expense, it need not be much.

9881. Do you mean the expense which is borne by the candidate, or the expense which is borne by the Government?—The expense borne by the Government is very small in all cases, and the candidate need not necessarily go to much expense.

9882. Sir *George Grey.*] Who pays the scrutineers?—The scrutineers are paid by the candidates.

9883. Are the returning officer and the poll clerks paid by the public?—Yes.

9884. *Chairman.*] Have you heard anything of what has been described as the Tasmanian dodge?—I never heard of it until now.

9885. You have therefore not considered whether it is practicable or not?—It might be practicable to a very limited extent; to the extent of one or two votes, but not otherwise, I think.

9886. Do you think that any means might be devised to defeat it?—I do not think it would be worth while devising means to defeat anything which was so thoroughly impracticable; I mean impracticable to any extent.

9887. Do you see any objection to the vote being placed in the ballot-box by the returning officer instead of by the candidate himself, after the paper has been folded up?—I think it is better as it is, although that would make very little difference.

9888. Would not it be possible, if that were the system, for the returning officer to compare the number which he had given to the voter with the number which was brought back by him and placed in the box?—I think it would not be proper because the returning officer would have that second opportunity of finding out how the voter voted.

9889. Mr. *Hunt.*] Do you think that it is impracticable for an election agent to give, say, a sovereign, for every legitimate voting paper brought out from the ballot-room to the Committee-room?—Of course it is quite possible.

9890. What is the difficulty; supposing there is an unscrupulous election agent and he says to the voter, "I will give you a substitute for your voting paper, and I will give you a sovereign for every legitimate voting paper that you bring out for me to place in another persons hand"?—I think there would be a break in the link every time.

9891. To put a case, A. transfers to B. and B. to C., it does not follow that it need be transferred in that succession; but, supposing that the election agent has 500 voting papers brought out to him by 500 voters and pays for them, he could put them in the hands of any other 500 voters that had not recorded their votes, could he not?—He could do so; the particular succession is not of the essence of the manœuvre, but you cannot invent any system that would not admit of some rogue finding out how to evade it.

9892. Does anything occur to you to meet the objection at this moment?—Not at this moment.

9893. You heard what was said with respect to the system of Victoria, with regard to personation, as to whether a voter who had not voted would have any means of knowing afterwards whether he had been personated; what have you to say to that?—If he referred to the register he would find whether anyone had voted in his stead.

9894. It would require a special application to the returning officer, would it not?—It would.

9895. And would the returning officer be bound to give that information?—Yes; within a certain time.

9896. Sir *George Grey.*] How long were you returning officer?—About 15 years, I think.

9897. Was it for the same district all the time?—Yes.

9898. Were you paid by salary?—No, not by salary; there is a sum allowed by the Government for each election to each returning officer and to each deputy returning officer.

9899. Mr. *Gathorne Hardy.*] When the returning officer opens the voting papers, to see how the persons voted, are the scrutineers allowed to look over them with him, or does he have complete control to say merely what the vote is?—He merely says what the vote is.

9900. Nobody but himself sees actually the way in which the votes are struck out?—No one.

9901. So far the returning officer would have it in his power to make a false statement without anyone checking him?—He would. Of course it is done in a very open way; it is possible for them to see, but they do not, as a matter of fact, scrutinise them.

9902. Mr. *Cross.*] Then, according to your system, it is quite possible, is it not, to know from hour to hour the state of the poll?—No.

9903. Was that Act of 1865 the first Act that established the ballot?—No; I think it was established in 1856.

9904. In your colony did there ever exist any great amount of intimidation?—I think there was a great deal of bribing before the ballot, and a great deal of treating and intimidation also.

9905. Mr. *Gathorne Hardy.*] You were returning officer, were you not, before the ballot was instituted?—I was.

9906. Mr. *Cross.*] Are the laws about bribery and treating more stringent now than they were?—No, I do not think they are more stringent, but they are rendered inoperative, if I may say so.

9907. Are the laws themselves more stringent as to punishing bribery?—I could not say. I do not know.

9908. Have you ever had, during the last 13 years, any conviction for bribery at all?—I do not know of any.

9909. Have

9909. Have you had any prosecutions for bribery?—There have been inquiries, but I do not think there have been prosecutions. There have been prosecutions for personations, I think, but none for bribery that I remember.

9910. I suppose that when an election is over, as in England, the feeling subsides, and they do not wish to prosecute?—It very often does unless the election is very close, and perhaps one or two votes might alter it; then a scrutiny is very often called for in the hope that something may turn up.

9911. Is a scrutiny a very common thing?—No, not very.

9912. Is it an expensive matter?—I do not think it is, but I cannot say. It is by the means described by Mr. Verdon.

9913. Who pays for the expenses of the scrutiny?—It abides the issue usually.

9914. But the Government does not pay, at all events?—No.

9915. Mr. *William Henry Smith.*] You say that the register is open in the polling-booth, and that the returning officer strikes off the name of the man as he votes?—The returning officer or his poll clerk does it.

9916. And the check clerks or the scrutineers, on behalf of the candidates, do the same thing?—Yes, for their own protection.

9917. So that it is quite competent to the candidate or his agent to know who vote, at all events?—Yes.

9918. Then it would be competent for the candidate's agent to arrange that a voter should not vote if he thought it worth his while to do so, to keep him at home, to bribe him not to vote, in fact?—It is quite possible, but he could not tell how he would vote. He does not know how he may vote. A man who is capable of being bribed is usually a dishonest person, and he cannot be relied upon in either way.

9919. It may happen that a man's political principles are known, and it may be worth the while of the candidate to prevent him from voting, and by your system it is open to the candidate, is it not, to make such an arrangement successfully?—No, I do not think so.

9920. He could even pay a man a sovereign to stay at home?—Yes, he may do that, certainly; but if he pays him to vote in a certain way he has no security whatever that he shall vote.

9921. Mr. *Leatham.*] You have spoken of bribery and treating before the introduction of the ballot; is it true that there was a great deal of mob intimination before the introduction of the ballot?—There was a good deal.

9922. Was that one of the reasons assigned for the introduction of the ballot?—Yes, that was one of the reasons assigned.

9923. That has wholly ceased, has it not?—Yes, that has wholly ceased.

9924. Sir *George Grey.*] After the declaration of the poll, the papers are all sealed up, as I understand?—Yes, they are all sealed up.

9925. Do they remain in your custody?—No, they are sent to the Chief Secretary of the Government.

9926. How soon are they sent to him?—As soon after as convenient.

9927. Do you affix a seal to the paper containing those papers?—Yes.

9928. Is it an official seal?—Yes, it is an official seal.

9929. Do you know how long they remain in the custody of the Chief Secretary of the Government?—There is a time specified by the Act, after which they are destroyed, at least, I believe so; after which no petition can be received at all events, and then the papers are of course of no further use.

9930. When that time for petitioning expires, you do not know, of your own knowledge, whether the papers are destroyed or not?—I believe they are destroyed.

9931. Mr. *Bright.*] Is it not the fact that they are kept in some safe custody until a certain time has elapsed, I think, generally, two years, and at the end of that time they are destroyed?—I do not know the time that they are kept, but no petition can be received after a given time specified by the Act, and I should imagine that the papers would then be destroyed, because they would be of no use.

9932. Sir *George Grey.*] What security is there against the Secretary of the Government before they are destroyed opening them and seeing how every voter has voted, if he chooses?—The only security is that it would be an exceedingly troublesome thing, and result in no good.

9933. But if he had any motive for ascertaining how any particular voter voted, could not he do so by that means?—Of course he could, by a very elaborate search.

9934. Mr. *Whitbread.*] Supposing that the time for petitioning is 14 days after the election, and, after that interval has expired, the candidate then proceeds to fulfil the corrupt promises which he had made to individuals right and left; is there any means of bringing him to account for that?—No, I think not; the bribery must precede the election; if it is any use at all it must precede the election.

9935. Mr. *Bright.*] Do you think it likely, after the votes had been recorded, and nobody knew how anybody voted, that any candidate would begin to pay money to voters?—I think not; I think it is not at all likely; I never heard of such a case; nothing of the kind has practically come under our notice.

9936. In that part of the world people do not part with their money on those terms, I presume?—I do not think they would. Perhaps I may be permitted to state that, as far as my observation goes, the influence that is now used at elections is a moral one, and one arising out of the questions before the country.

9937. Mr. *Whitbread.*] But still the expenditure is very large?—It need not be large, and I do not think it is very large.

9938. Although the interest is a moral one there is a material stimulant?—The candidate must go to certain expenses; and, supposing he has to hold meetings in a district very widely extended it will cost him a good deal of money.

9939. The last witness stated to the Committee in evidence that he spent 500*l.* in a constituency of 1,200 votes; would that be a very exaggerated expenditure, should you say?—I think it is a large sum.

9940. Mr. *Bright.*] Have you been a candidate yourself?—Not in Australia. I was a member of the Legislature in the West Indies, but not in Australia. I know nothing of the expenses beyond those that the Government allow; of course all the accounts come under the notice of the returning officer.

Mr. *W. P. Muir.*

22 June 1869.

9941. Do you agree with Mr. Verdon that the ballot works so satisfactorily, that all parties in the Colony are content with it, and prefer it to open voting?—I quite agree with him; I think that all parties are quite content with it, and they would not on any account seek to change.

9942. Sir *George Grey.*] Do you think that there has been any change in the character of the representatives, since the ballot was introduced, or are they very much of the same class as those who were elected under open voting?—If a change has taken place, it is not on account of the ballot, but more on account of the franchise.

9943. *Chairman.*] Have you known, since the adoption of the ballot, of anything in the nature of a riot at an election?—No, I do not remember any; the elections are conducted very peaceably.

9944. And sometimes in the midst of a very rough population?—Yes.

9945. And in the midst of considerable excitement?—Yes, great excitement.

9946. Sir *George Grey.*] How is the declaration made; is it made by posting notices, stating the number that voted for each candidate or at a public meeting?—Usually the day after the returning officer states where he will declare the poll, and he declares it at a public place.

9947. Is there generally a large assemblage of people to hear the declaration?—Generally three or four persons.

9948. Is it also posted, so as to make the matter public to all the world?—It is known the night before usually. From the time that the poll closes at four o'clock till perhaps eight or nine; it takes four or five hours usually in Melbourne to count the votes, and as soon as that is done I usually declare it. I just tell the people outside, not officially, but I just say that So-and-so has polled the greatest number of votes.

9949. Are there many persons waiting to hear the declaration?—A great number, the street is usually crowded.

9950. Is it generally a peaceable assemblage, or is there much demonstration of feeling on the part of the friends of the disappointed candidate?—It is generally very peaceable, they all disperse immediately after; they know that it is quite over and done, and cannot be altered in any way, and usually it is very peaceable.

9951. Mr. *Whitbread.*] The candidates do not attend, I presume?—The candidates come in from time to time during the day, and of course many of them speak to their friends.

9952. But they do not address any meeting, when you officially take the poll?—Yes, sometimes they do.

9953. Does that lead to particular results?—No, they just say a few words.

9954. Sir *George Grey.*] Are they listened to quietly on both sides?—Yes, quite quietly, we have no rioting at all.

Mr. Allan Stewart Hankel, was called in; and Examined.

Mr. *A. S. Hankel.*

9955. Mr. *Hunt.*] Are you a naturalised British subject, carrying on business as a Merchant at Liverpool?—I am.

9956. Were you born in the United States?—I was born in Charleston, South Carolina.

9957. Did you reside long at Charleston?—Up to my 31st year.

9958. Are you familiar with elections in South Carolina?—I have had an opportunity of observing a number of elections in that place.

9959. What kind of elections?—Both municipal and legislative, and also for conventions of the state.

9960. What was the system of elections there at the time that you were there?—The system of elections in America differs in each state. There is no universal system organised by the general Government, each state regulates its own mode of elections.

9961. Can you state the mode of election in South Carolina, at the time that you were resident there?—No nomination takes place.

9962. When you speak of no nomination taking place, I presume you mean a nomination in the sense that we understand it; proposing a person as a candidate?—No nominations are necessary at all, a person could vote for whomsoever he pleased, whether the person was under nomination or not.

9963. What was the first act in the election?—The first act was the issuing of a writ by the governor of the state, if it was for the legislature, and if it was municipal it was by the mayor.

9964. Supposing the governor of the state had issued the writ, what would happen?—That writ is a proclamation ordering an election to be held in such-and-such a place.

9965. What takes place then?—Then the managers take charge of the election, and appoint certain places of polling. The managers are appointed by the governor, in case of an election for the legislature.

9966. Who are the returning officers?—The managers of the election are the returning officers; they are appointed by the governor to conduct the election.

9967. How is notice given to the constituency?—The managers publish it, and it is first made known through the proclamation of the governor in the public prints.

9968. When the time arrived for a person to be proposed as a candidate, what was done?—Generally there are public meetings. Whoever wanted to run a candidate would announce that the friends and supporters of So-and-so proposed such-and-such a person as a candidate for such-and-such election.

9969. That is done to start him as a candidate?—Yes, to start him as a candidate.

9970. Was any notice given to the manager that So-and-so would be a candidate?—None at all; the managers have nothing to do with the candidates whatsoever.

9971. Would a placard be issued, signed by certain persons, that they intended to run So-and-so as a candidate?—It is not necessary to sign their names, it is anonymous, their declaration is quite sufficient, merely mentioning that they are his friends and supporters.

9972. What steps did they take to make it known that So-and-so is a candidate?—By publication

lication in the daily journals. They can vote as well for any one without his being announced.

9973. Then, when the day of the election arrived, was it known to the constituency how many candidates were in the field?—Yes, usually. If there were a great many candidates those who found that their chances were but slender would gradually pass away, and then it would get down to possibly a contest between two, or not more than three.

9974. Supposing that only the same number of candidates were in the field as there were vacancies to fill up, would there be any poll?—Yes, there would certainly be a poll; there are no hustings there.

9975. Even when the number of candidates was not greater than the number of vacancies?—Yes; you may vote for any one. On several occasions I have known it occur in my own State, where there was but a single candidate appearing, that persons would nominate another secretly the night before, and would carry on their voting; and in the middle of the day persons who had supposed that there was no opposition to their candidate would suddenly find themselves being outvoted.

9976. Are you aware whether in every case that the ballot was open?—In every case the ballot was open.

9977. It was open for what number of hours?—Usually from nine o'clock until four or five; I am not precise as to the hours.

9978. Supposing there was no actual contest, would persons still come and record their votes?—Of course the particular friends of the parties would, whoever they were.

9979. So that although no candidate appeared beyond those that were necessary to fill up the vacancies, still in every case the votes were recorded?—Yes, always; a poll must be held

9980. Did canvassing take place?—Very ardently.

9981. In what way was the canvassing conducted?—Precisely as it is done in this country through committees, and through public assemblies, and through personal canvassing.

9982. Was there any house-to-house canvassing?—Not very much by the candidates; house-to-house canvassing as far as was consistent with the respectibility of the persons that were canvassed, was carried on by committees.

9983. Were committees formed for the purpose of the personal solicitation of voters?—Undoubtedly.

9984. And public meetings held?—Yes, public meetings were held constantly.

9985. Did the candidates themselves appear at public meetings, and explain their opinions?—Almost always, unless their party happened to be holding two or three meetings the same evening, resolutions were passed in favour of the candidates; but I should explain that it is an understood practice, which never was deviated from, that those meetings never were disturbed on any occasion whatever; no disturbance was allowed by either of the candidates.

9986. Do you mean that the meetings were all of one particular political complexion?—Not at all, because the object sought for at public meetings was to get the opponents' party there more than their own; the object of the public meeting was to persuade and induce voters on the opposite side to join t' em; they usually wished to get the presence of voters from the other party.

9987. And at those mixed meetings were resolutions passed in favour of a particular candidate?—Yes.

9988. Will you describe to us the system of the ballot which was in force there?—You could vote upon any sort of paper; any sort of list with any design upon it; or you could write your ballot in any form.

9989. Then there were no ballot papers furnished by the managers?—None at all.

9990. Was it the practice for the committees of each candidate to provide printed ballot papers for the use of the voters?—It was; and the effort frequently was to try to imitate the designs on the tickets of their antagonists as much as possible.

9991. Mr. *Bright.*] For what purpose?—Because, when the excitement was great and they had ignorant people to deal with who did not know the design on the ticket, the ticket might be passed off in the hands of another person; one party, for instance, would have a ship on the top of the ticket, and the other party, when they found it out, would go and put a ticket with a ship on it into the hands of a voter; there would be two tickets of precisely opposite political complexions with a ship on the top of them; or a man would take up a ship ticket and put a ship ticket of a different understanding, but with the same picture on it, into a voter's hand, and he may be told to go and vote that ticket; or if there is a yellow ticket they may try to induce the yellow ticket holder to vote the green ticket.

9992. Mr. *Hunt.*] As a rule, were the voting papers of different colours?—Generally so; the only way in which secrecy could be obtained there was through the written ballot.

9993. Were those voting papers placed in an urn, or a ballot box?—In a ballot box. The election was generally held in some public place; for instance, in a fire-engine room where there was a large open space facing the street, and the front door was railed in, and there was a desk erected across it.

9994. Were the ballot papers folded up by the voters before they were placed in the ballot box?—Not necessarily; the voter could do what he pleased, you cannot call anything the practice; there was no practice about it. Some persons, it seems, did not do it, and I think a great number did not do it; a great number tried to show how they were voting instead of trying to conceal their voting.

9995. What check was there to see whether persons were entitled to vote or not?—There was very little check.

9996. I suppose, with the system of universal suffrage, there was no such check?—It was very difficult to get a check.

9997. Still there was some condition as to residence, was there not?—There was a difference in each state, as to the length of period; in case of the presidential election it was six months residence and being a citizen of the United States. In the state elections the same qualification did not exist; you must then have been a resident citizen of the State of South Carolina for a certain time. The municipal election was a different affair.

9998. Was there in each case a register of authorised voters?—There was no register except once when it was tried by a capitation tax.

Mr. *A. S. Hankel.*

22 June 1869.

9999. Had the managers of the elections no means of establishing, by evidence, whether a person presenting himself to vote had a right to vote?—Yes, there are challengers on each side of the poll. The managers for an election are sworn by a notary upon taking charge of the booths; and, besides those, there are any number of managers or committees of challengers, as they are called, citizens, on each side of the poll; and as persons come up they have a right to request that any person presenting himself shall be sworn.

10000. And then do they examine him?—Then they examine him; the challengers have a right to put any question to him as to his residence.

10001. Does it rest with the managers to allow a vote or not?—Yes, eventually it does.

10002. When the ballot was over what was done with the ballot box?—The ballot box was opened before they commenced taking the votes, and held up to the persons assembled outside; it was then, in the presence of witnesses, locked and the key handed over to a notary public; and then, after the votes had been received, a slip of paper was taken and placed over the aperture and sealed with the seal of the corporation, or some official seal, and the same process was gone through with the keyhole. Then the ballot boxes were folded up in paper, and those were sealed as well, and were then taken to the vaults of a bank or of the bank of the place, and put in some place of security until the next morning; the next morning all the managers assembled and went in a body and received the ballot boxes from the vaults where they might have been deposited; and they were then taken to the Court House or the City Hall, or the Town Hall, and there, in the presence of all the managers, the manager of each poll counted the votes in his own precinct, and the manager of that precinct made his report to the chairman before the managers, who superintended the whole election of the town or the precinct, and they were all obliged to remain upon the premises and obliged to be there until the counting of all the polls was completed, and as soon as the counting of the votes was completed, whether it was one, two, or three o'clock at night, the election was then announced either from the steps of the Town Hall or the porch, or whatever it might be, of the court-house where the counting took place.

10003. Under that system did any intimidation take place?—Quite as much as takes place in England.

10004. What kind of intimidation?—Individual intimidation by workmen and mob intimidation both.

10005. Was there anything in the nature of mob violence at elections?—Occasionally. I have known it on one occasion only in Charleston, but I have known it very frequently in other places.

10006. Would the mob attack the leaders of political parties, or would they attack individual voters?—Only individual voters. The way in which the mob is brought in is by crowding the polls, mobbing the polls, as they call it, or preventing voters from approaching the poll.

10007. Was it known how each voter was likely to vote?—Very thoroughly, I think.

10008. Did personation take place to any extent?—Any quantity, to an unlimited extent.

10009. Was the system of what is called in this country bottling voters known there?—Very frequently, if it was an excited election at all.

10010. Was there any corruption?—Unbounded, I should say.

10011. Of what kind?—Treating, and bribery in money payments, or in any form in which you may conceive bribery to be carried on.

10012. Were the candidates willing to spend money in bribery, not knowing how voters might vote?—The candidates did not spend so very much money, the money was contributed usually there, and, at most elections throughout the country, by the party.

10013. Still a person taking money for his vote, might go and vote against the candidate, and fold his voting paper up, and keep it secret how he voted?—I do not see how it is possible, if proper care was taken of them.

10014. According to the law, every voter might keep his vote secret, if he liked?—Undoubtedly he might.

10015. Supposing that a voter wished to keep his vote secret, how could those who bribe him know whether he voted in accordance with his promise or not?—They would not bribe him unless they were very certain how he was going to vote.

10016. In point of fact, there was very little secrecy about the voting?—Very little, unless by such persons as clergymen. I will cite my own father, who is a clergyman. The candidate might be from his own congregation, and therefore being in such a position, a clergyman would be unwilling that it should be known that he had any particular preference; but I think that secrecy was observed generally by those in the better and higher walks of life.

10017. Was there any case of elections being questioned on the ground of bribery?—I cannot recall one.

10018. Or on the ground of any kind of undue influence?—I am not able to recall one. I inquired yesterday of a much older gentleman than myself, and he cannot recall an instance in which there was a petition.

10019. Do you know as a fact that persons often voted over and over again at the same election?—I think there is not the slightest doubt of it. The term "early and often" is quite a common term at all elections, north, south, east, and west.

10020. Have you been present at contested elections in England?—Yes; several of them; and I have served on committees as well.

10021. Do you think that the evils which are complained of at English elections are as rife in the State of South Carolina?—South Carolina is one of the best States, and the least liable to tumult or disturbance at elections. Their elections were notorious throughout the country as being the most perfectly conducted; it was pre-eminently notorious throughout the country for quietness and the manner in which the elections were conducted in that state, but that was quite exceptional in the country.

10022. Mr. *Bright.*] But they would be generally orderly elections?—They have been usually very orderly in South Carolina. I know of no disturbance.

10023. Mr. *Hunt.*] Where have you seen elections

tions in England?—In Liverpool I saw one, and also in Oxford and Croydon.

10024. Which, in your opinion, comparing the elections that you have witnessed in this country and in the United States, is the preferable mode of conducting an election?—I think that to an impartial mind or to any person who has had experience of the American system, there is no comparison that the English system is very far superior to it, both as securing purity of election and the facility with which any corruption is detected.

10025. Is there great difficulty in America in detecting corruption?—It is almost impossible.

10026. How so?—You have nothing to begin with to trace it, unless you get the individual to come and perjure himself, because all evidence is passed off as soon as the voting paper passes into the ballot box; all evidence as to the manner in which his vote has been given ceases. You have nothing to begin to trace out bribery with. I have served upon committees in Liverpool, and the difficulties of bribing men in England struck me very forcibly as compared with the system on the other side, because, inasmuch as a man's name is upon the register, he can be thoroughly canvassed some time before the election, and he must necessarily express an opinion, and it is very much more difficult to bribe a man who has previously expressed an opinion to his friends and relations and those by whom he is surrounded, than it is for a man who may take a bribe and be perfectly secure as to how he is going to vote, as they secure him on the other side, and yet retain his self-respect among his fellows.

10027. Mr. *Bright.*] How long have you been away from South Carolina?—I have been now absent about six or seven years.

10028. Did you leave before the beginning of the war?—I was there during a part of the war; I was in the army for some time.

10029. Did you live entirely or chiefly in South Carolina?—Altogether so.

10030. Half the population of the State were negroes, I believe?—I forget the exact proportion, but I can easily see by the returns.

10031. I presume that that was the State in America in which the largest proportion of the population were negroes?—I do not know that it was the largest proportion; in the lower part of the State it was so, but taking the entire population of the State, I think the whites were very much in a majority.

10032. Can you tell the Committee what was the franchise in the State?—Universal suffrage; there was no qualification whatsoever.

10033. Except colour?—Except colour.

10034. You did not allow any black man to vote?—No.

10035. Did all the white men vote?—All the white men. Of course they must be 21 years of age; that is the only qualification.

10036. Are you quite clear that there was no qualification whatever?—Not the slightest qualification, either of property or otherwise.

10037. I understood you to say that the franchise was different in voting for President from that which prevailed in voting for a State election?—I think not; the difference was this, that in voting for the President, a man might be in a different State entirely, therefore for the election of the Electoral College we had no legislative qualifications. A man was entitled to his vote wherever he might be. For instance, he might find himself in Charleston, or he might find himself somewhere else, and he could vote.

10038. Whilst you were there were there generally strong contests for your Congressional elections?—Some of them very strong.

10039. Did the subject of slavery ever enter into the question?—Not at all.

10040. The population were all of one opinion upon the question of slavery?—Yes; all of one opinion entirely.

10041. You stated. did you not, that there was no register of voters?—Except once it was attempted.

10042. But as a rule there was no register of voters?—None at all.

10043. Therefore anybody could come up to the place to vote, and there was no mode of striking him off upon any register upon which his name appeared?—None at all.

10044. Therefore the plan of voting early, and voting often, was quite practicable in that State?—Quite practicable, and also the same system prevailed in all the other States. I do not think that registration is required in any of the States, and I think I am borne out in that by a pamphlet which is now upon the table, written by an American in New York.

10045. When you are speaking about the ballot, you mean rather a different thing from what we mean here; we speak of the ballot as a shield for the voter for his secret vote; you speak of the actual voting as the ballot in America?—I understand by the ballot, his writing a name upon a paper, and placing it without anyone's knowing it in a ballot-box.

10046. Whether it were secret or not?—Yes, whether it were secret or not.

10047. But it is common, is it not, in America to say the result of the ballot is so-and-so, meaning the result of the election, and not the result of any particular mode of election?—The term "result of the ballot" is sometimes applied as used by yourself; I have applied it simply in the English sense; if the term is used in the general sense, it is called the "result of the ballot" instead of election, the word "ballot" having been substituted for the word "election."

10048. You say that parties conducting the election, try by imitating each other's tickets to deceive the electors as to the manner in which they shall vote?—Very frequently it is done, I think almost universally, if there is a contested election.

10049. On the whole then, looking at your description of the South Carolina system, it does not appear that any special machinery was in force to ensure secrecy or to procure a free election?—Every precaution that was possible under the constitution of the country was used, and more so in that State than in any other.

10050. I am not speaking about the constitution of the country, but you say distinctly that there was no register?—There was no register, it was once attempted by introducing a capitation tax, compelling a person to take out a capitation tax, and to pay 4*s.*

10051. You stated there was no register except once, that of itself involved a great liability to fraud, did it not, as regards personation?—Undoubtedly.

10052. And with regard to the ballot, there was no precaution taken, by which the secrecy

Mr. *A. S. Hankel.*

22 June 1869.

was enforced?—Not enforced, secrecy was left optional.

10053. The people voted with any colour ticket?—Any coloured ticket they pleased or on a piece of blank paper, a person could resort to whatever secrecy he pleased, and if he did not choose, there was no possibility of getting out how that man had voted.

10054. You said also that meetings generally were not disturbed, is not that rather a common feature in America?—I think it is universal; I never heard of a public meeting in America being disturbed by the opposite party.

10055. The general feeling is, that everybody has a right to be heard, and tumult to prevent an opponent being heard is very uncommon?—It is considered most unwarrantable the slightest disturbance by the opposite party of any public meeting whatever, and I think never occurs.

10056. You stated, did you not, that you thought there was intimidation in America, very much the same as there is in England?—Quite so.

10057. In South Carolina the classes of society were even more separated than they are here, even omitting the blacks, were they not?—I think very much less so.

10058. Surely the class of persons who have gone by the name of mean whites were, apart from blacks, in a very abject condition?—Very far from it; they approached very much more near the upper classes than any working class that I know of in this country, and they exercised very considerable power in the country through their vote.

10059. And they were appealed to by the superior class?—By both parties; you are probably not aware that the term "poor whites" is applied to a class of people who live in deserted portions of the State on poor lands, squatters; and so far from being subject to anybody, a neighbourhood is very often brought into subjection to their influence.

10060. Did you say that the polls were often obstructed by mobs in South Carolina?—In that way I have never known it in South Carolina; but, I have known it in other States.

10061. Where?—Both in Georgia, New York, New Orleans, Kentucky, and Tennessee.

10062. It is a very strange thing that in the American newspapers there is nothing about disturbances at the elections, and in my long experience of them, it is very rare to find any interruption of that kind?—I do not remember a single election in which I have not known that to occur, not in one but in many cases.

10063. Have you ever been in New York during an election?—Several times. I think that very few gentlemen would venture to attend an election in New York. I do not mean to say that a great number of people do not go to the polls, but I wish distinctly to be understood that I use the term gentlemen in distinction from the masses; I say that a man of wealth, a man of position, a man who is at all anxious for his quiet, would avoid going and attending a municipal election in New York, or a State election either.

10064. That is not the question; I was not asking about gentlemen, or about the genteel people who will not go to the poll, but I asked whether there was mob violence, so as to obstruct the polling?—The mob violence is this, that parties introduce their friends, and put them in the face of the poll, so that persons to enter the polling place, except they have the sympathy of those present, are obliged to penetrate and work their way with difficulty up to the mouth of the poll.

10065. Are there riots in the streets?—No riots. You asked me about the obstruction of the poll; obstruction is different from violence; that is what I was trying to explain. I have known very violent riots in Baltimore and Philadelphia, in which buildings, churches, and things of that kind set on fire.

10066. Was that election upon the great slavery question in Philadelphia, or what year was it in?—It was in the year 1845 or 1846, I think, in which the Philadelphia riots were frightful.

10067. Were they riots that arose upon the slavery discussion?—I think not; I think it had more to do with something connected with the firemen's department, as well as I can remember at this distant period. The firemen wished to accomplish some change in their favour, and then there was a riot originating with the Know-Nothings; there were very serious riots between the Irish and the American population; the Know-Nothings were a combination of native Americans as against the foreign population, and those two elements were brought into violent collision; it was on those occasions that several of those riots occurred.

10068. Have you been in South Carolina during the last five years?—No, not since the war; I only know from the public press; I get the daily Charleston papers.

10069. Mr. *Graves.*] Will you explain that which you once or twice attempted to do, as to the capitation tax which you spoke of, which was put on to prevent this indiscriminate voting?—It has often been a subject of discussion in the country amongst the better people, to try and put an end to this corruption which everybody regretted, and a capitation tax was introduced at the municipal elections, compelling a person to pay a tax six or nine months previous, and receiving a receipt for the payment of this capitation tax, which receipt he was required to produce at the election, and in that way they wished to supply the place of a register.

10070. Does that not apply to voting for Congress?—No; only for municipal purposes that capitation tax was introduced.

10071. Has that been given up?—It was given up after several years; it was found also to be corrupted; that people went and paid the capitation tax of persons who had long been dead, and supplied them with names on the day of the election, and the certificate of the capitation tax, and such people voted.

10072. Is it within your knowledge that for some length of time the mind of statesmen in America has been turned to devising some means of stopping this corruption and bribery which exist in America?—There has been very great and anxious inquiry into the matter for many years.

10073. Is it within your knowledge that there has been and now is a committee in the State of New York, formed for the purpose of investigating the corruption and bribery which took place at the last election?—I have seen that in print.

10074. Do you know whether the committee has made its report or not?—I do not know that; I have not seen it stated.

10075. Have

10075. Have you heard that in the last election for the State of New York, 25,000 illegal votes were cast?—I have seen it stated in the public papers, but it is not within my knowledge in any way.

10076. Have you got a nomination in America?—None at all.

10077. No hustings?—No; anybody can vote for anybody; you may throw away your vote. I should mention possibly one thing, that, for instance, in voting for the House of Representatives or the Legislature of the State, there are two boxes, one for the Senate and one for the House of Representatives; if by any mistake a senator's vote gets into the House of Representatives' box, that vote is lost; it is considered fraudulent in itself; or if two votes are found folded together in such a way as to indicate that they had been put in by the same person, that vote is also rejected.

10078. You heard the evidence given by the two previous witnesses with regard to the practice in Australia, can you say that in any part of the United States any similar system to that is adopted?—I know of none; I am quite sure; I may say there is none

10079. Have there been any improvements of that kind suggested in America?—I never heard of any suggestion of that sort.

10080. Has it never been suggested that registration would be a great improvement upon the present system in America?—Frequently; but it has never been attempted to be carried out, because the great difficulty in altering the system is, that the masses of the people, who are interested in the benefits of the election, or the results of the election, are the very people that would oppose the change. All the office-seekers, all the people engaged in conducting the election, all the people who are willing to be bribed, which is a very numerous class, would necessarily have always opposed any such measure that might be introduced.

10081. In speaking generally, is it your opinion that there is a greater exercise of corrupt practices in the United States than there is in England at general elections?—I think there is no comparison; the corruption in America is vastly greater than in this country. Where one man is bought in this country it would be difficult to say how many are bought in America at an election.

10082. Do you think that that corrupt feeling is increasing or decreasing in the United States?—I think it increases. As emigration increases in the country, I think that the corruption increases, because you introduce a class of people who know very little about the politics of the country, and, therefore, to whom probably a 1 *l.* note or a 5 *l.* note is of vast importance; they can scarcely speak the language.

10083. Mr. *Bright.*] Who are those that you refer to?—They are Swedes, Germans, French, Italian, and every nationality, and vast numbers of Irish.

10084. *The O'Conor Don.*] I understood you to state that there was no qualification at all required for an election in South Carolina?—Except age.

10085. Is not citizenship required?—Yes, citizenship, undoubtedly.

10086. If citizenship is required, how can it be ascertained if there be no list of citizens kept in the State?—It is exceedingly difficult.

10087. But is there any means at all of detecting it, if a man comes up to vote who is not entitled to vote?—He can be sworn; if he is a foreign subject he can be made to produce his naturalization papers.

10088. *Chairman.*] If he belongs to another State, what is done?—If he belongs to another State, he requires a residence of six months.

10089. How is it ascertained whether he belongs to that particular State that he alleges, or not?—It is very difficult to ascertain it at all, and it is not ascertained.

10090. Any visitor, in fact, might vote?—Yes, any visitor might vote, unless he has his vote challenged and it is disallowed. For instance, it is well known that during the last election a vast number of people went from one State and voted in another State, for the express purpose of influencing the election in that State.

10091. *The O'Conor Don.*] Are you aware whether that is the system that is carried on in other States?—I am quite aware of it.

10092. Do you state from your own knowledge that in New York they have no list of voters?—I have a general knowledge.

10093. How long is it since you have been in New York?—I have not been in New York for about eight years.

10094. You state that at the municipal elections in New York respectable people would be afraid to go to the poll?—I have always understood so; I have heard many northern men say so.

10095. Have you ever witnessed any such rioting?—I have gone and watched the polls at a distance.

10096. But you have not gone near the poll?—I should be very sorry to go near the poll at the municipal elections.

10097. When you say that that is the general rule, are you certain of it?—I have always understood so; I have been told so. I have held conversations with many northern men, and many men from New York, and they have invariably told me that it was with great difficulty that they could get to the poll. I have spoken to bishops and clergymen, and people of that stamp from the north, and from New York, and I have spoken to bishops of different States in the country simply from the connection of my father with the Church; and I have heard discussions amongst such people, and I have always been led to believe that very few of the classes who were better off in life have attended the elections.

10098. Mr. *Bright.*] You would probably be very much astonished to find that a score or two of American gentlemen went from Liverpool to New York on purpose to vote at the last election for President?—I can easily understand such a thing.

10099. You think then that, although many might go from here 3,000 miles to vote, yet gentlemen living on the spot will not vote?—I can easily understand that sort of thing, particularly in a municipal election in New York.

10100. *The O'Conor Don.*] Are you not aware that in New York there are an enormous number of polling places, and that they occur almost in every third street?—I believe they have been very much increased recently.

Mr. *A. S. Hankel.*

22 June 1869.

10101. Perhaps, as the polling places have increased, the difficulty that you speak of has been done away with?—That is very possible. I am speaking now personally of the difficulty previous to my absence from the country, and what took place at those elections; anyone can, by referring back to the New York papers at that period, see the description given of them.

10102. I understand you to say that you much prefer the English system to the American; do you believe that that is the general feeling of the State of South Carolina?—I think it is universal; so with anyone who has had personal experience of elections in the two countries.

10103. Do you think it would be popular in South Carolina to propose that the ballot should be abolished?—I do.

10104. And to have open voting?—I do; there happen to be on this side at present, I know, 10 or 15 gentlemen of my personal acquaintance who are of that opinion.

10105. Has that proposal ever been mooted in the State?—Never.

10106. Or in any State of America that you know of?—Not that I have ever heard.

10107. Do you think that if the majority of the people in those States preferred a different system of voting it would not have been at least mooted?—It has been mooted very frequently.

10108. But it has not been taken up and supported by any large body?—No, it has not been supported by any large body, except the Know-Nothing party.

10109. Were they in favour of open voting?—No, not of open voting, but of a change.

10110. I am speaking of open voting, as compared with the ballot; has the question of open voting actually ever been mooted in America?—I have never heard it mooted.

10111. Do you think that if there was a general feeling, as you state, in favour of open voting, it would not have been mooted?—I do not know that there is a general feeling.

10112. You stated that there was a general feeling?—All those who have had experience of the English system, as compared with the American system, are of that opinion.

10113. But you have never heard in the States the question of open voting mooted?—Never.

10114. Mr. *Leatham.*] You spoke of the number of mean whites in South Carolina, and you also spoke of a certain amount of intimidation which they exercised in the elections there; will you explain what class is intimidated?—It is the mechanics.

10115. Those you do not call mean whites?—Undoubtedly not.

10116. By whom are they intimidated?—By their employers. I do not think I used the word "intimidation"; I used the term "personal influence." They would say, "If you do not vote so-and-so, you will leave our employ"; if you call that intimidation.

10117. How do they know how they vote?—By sending them to the poll under the charge of persons who see them deposit their vote. A ticket is placed in their hands, and they are watched until their vote is deposited in the box.

10118. How long has the ballot been introduced into South Carolina?—From the time of the original Government; I think after the Colonial Government ceased, after the Revolution, it was introduced immediately; that is my impression. I cannot recall any time in which it did not exist.

10119. Sir *George Grey.*] I do not quite understand what you say as to the feeling in South Carolina; is it that they desire a change in the mode of conducting elections generally, or that they desire to see open voting established instead of the present system, which you describe as one of nominally secret, while it is practically open voting?—The feeling is this, that the people there are all conscious that there is a vast amount of corruption at the elections, and they would be glad that any system should be introduced by which they would put an end to that corruption. As to any particular system, I have never heard any particular system broached, excepting the trial of the capitation tax.

10120. *Chairman.*] Is it not the case that in an election in America a large number of candidates are voted for at the same time; that is to say, different offices are voted for at the same time?—Yes, in some States; judges, sheriffs, and tax-collectors, are all voted for at the same time in many cases.

10121. At the same time as the election of members of Congress?—Very often the election takes place at the same time; it may, or may not. It depends upon accidents.

10122. Can you recollect how many offices you have ever known put up at the same time for election?—In our own State the electors of the President and Vice President were not voted for by the people, but they were elected by the Legislature; they were elected as Senators of the United States; they were elected as electors of the President and Vice President by the joint Legislature.

10123. How many offices have you known voted for at the same election?—We had very few elections comparatively in our own State, because our judges were elected for life; most of our officers were so elected. I have known a tax-collector, a sheriff, a member of Congress, and a Senator of the State elected at the same time.

10124. How many members of Congress would be elected?—A single representative.

10125. Is there not ever a general election for Congress?—There is a general election for members of the House of Representatives, but not for senators, who are elected by the State Legislatures.

10126. How many vacancies have you ever known elected for at an election at the same time; half-a-dozen?—No, I cannot say half-a-dozen; I have known four or five different offices.

10127. Were there four vacancies to be filled? Four different and distinct purposes. I have known 18 representatives to be voted for on a single ticket.

10128. Could one voter give 18 votes?—Yes, he could vote for 18 persons; for instance, the districts were represented in proportion to their population and their taxes; 18 is the largest number I have known.

10129. Is it not the case that under such a system as that it is very little use for any individual member of a party to prepare his own ballot; his votes are almost thrown away, are they not, unless the party agree together for what whole ticket they will vote?—Where the votes are so numerous, and a single person can cast in equivalent to 18 votes, many plump for a single individual

individual. The influence of a single vote as applied to any single individual candidate, is greater than where the candidates are few.

10130. Is not that system of voting for a large number of vacancies all at one time, one of the reasons why the attempts at preserving secrecy has been altogether abandoned?—There has been no effort ever made by law to compel secrecy; perfect secrecy voluntarily is perfectly possible, simply because a man can write his own vote in his own house, before he proceeds to the poll.

10131. But it is never practised, or very rarely, I believe?—It is very frequently practised.

10132. *The O'Conor Don.*] Are the ballot-boxes in South Carolina made of glass or of wood?—They are made of wood usually.

10133. Mr. *Brand.*] Are there several polling places in each electoral district in South Carolina?—Always.

10134. Is there any reason why a voter should not present himself at each polling place and vote over again?—It is possible, and has been done.

10135. Do you believe it to be done commonly in other States, as far as you know?—As far as my personal experience goes I know nothing, but I speak from what I have seen in the reports upon the corruption at the elections, and I have heard of as many as 10 or 15 times that a voter has voted at different polling places.

Friday, 25th June 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	Sir Frederick Heygate.
Mr. Brand.	Mr. Hunt.
Mr. Bright.	Mr. James.
Mr. Cross.	Mr. Leatham.
Mr. Edward Egerton.	Mr. Locke.
Mr. Fawcett.	The O'Conor Don.
Sir George Grey.	Mr. Raikes.
Mr. Gathorne Hardy.	Mr. William Henry Smith.
The Marquis of Hartington.	Mr. Villiers.

THE RIGHT HONOURABLE THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Sir CHARLES WENTWORTH DILKE, Bart., a Member of the House; Examined.

Sir *C. W. Dilke*, Bart., M.P.
25 June 1869.

10136. *Chairman.*] CAN you give the Committee any information with regard to the mode of election in any foreign countries or colonies?—I can speak from my own knowledge as to the mode of conducting elections in France, in the State of New York, and in the State of Massachusetts; also in the colony of Tasmania, and in the colony of South Australia; and I can speak from hearsay as to the elections in Victoria and in New South Wales.

10137. The Committee have not had any evidence as to the mode of election in France; perhaps you could shortly describe what it is?—Before explaining the French system, if the Committee will permit me, I would say that there are two classes of systems: first, the French, belonging to the same class as most, if not all of the American States' systems; this being the ballot, which is, by law, supposed to be secret; but which, as a matter of fact, is not in all cases necessarily secret; and, secondly, the necessarily secret or colonial ballot system. The French *procès verbal*, which is drawn up at the close of the election, is itself the best account of their system. There is drawn up a *procès verbal* for each section; that is, each polling district in the borough. The president of the "section" is the deputy returning officer, and is appointed by the mayor, who is the returning officer, and who is appointed by the Government. In the *procès verbal* he states exactly what occurred at the election lately held in that section. He states that in accordance with directions received by law, and so on, the election having been ordered to be held, he called to assist him a commission consisting of four electors, two chosen from among the oldest electors upon the register, and two chosen from among the youngest; he gives in the names and addresses, and the dates of their birth. This commission of five then proceeded to choose a secretary. They took their places in a room, which the city had chosen as being a polling place for that section. He states what papers they had before them (the register and all the electoral laws), and also that the ballot box was opened in the presence of the electors, in order that it might be seen that nothing was in it, and then closed also in their presence, and the key handed to the oldest of the assessors present. This is all before the voting begins. He then states that the first day's voting began; I should say that the voting in Paris, as the Committee knows, lasts two days.

10138. Sir *George Grey.*] Does he announce the candidates?—He reads over a list of the candidates who have *prêté serment*, or taken the oath. I must then state that the French do not carry out their law strictly; their law is made for small places rather than for large boroughs, and it states and assumes throughout that the list or register of electors is read over, and that the electors then come up in the order in which they are upon the register and deliver their votes. As a matter of fact, of course the Committee will see that that is an impossible process, and therefore a process which resembles that which obtains here is followed as a matter of fact, but the other is assumed throughout by the law. The *procès verbal* uses the terms of the law. It says, when his name was called, each elector came up in turn and presented his polling card. Those polling cards are an essential part of the French system, and they form also a part of most of the colonial systems. To the French system they appear to be necessary; to the colonial systems they are not strictly necessary. The French polling card is in character much the same thing as a polling card in this country, with this difference, that it is a governmental matter and not a matter for the candidates or for the committees. In France it may be said to be practically necessary that each voter should have his polling card; in England, of course, it is unnecessary. The polling card, like the English polling card, states the name of the elector, and it also states the date of his birth, which, of course, answers to his qualification, under manhood suffrage. It states his profession and then his address, and it also bears his signature. The Committee have had evidence that in Victoria and South Australia the signature is also used as a mode for testing the identity of the voter, and preventing personation.

10139. Mr. *Villiers.*] Is his signature on the paper that he brings up?—Yes, on his polling card. I must then inform the Committee that those polling cards are copied by the authorities from other cards which remain in their possession, which are the cards upon which their registration

registration system is conducted; the cards upon which in fact their register is made; those cards, which have been filled up in the office of each mairie, or what may be called the town hall of each borough, may be obtained by the voters on their personal application, or upon their written application during three days, shortly before, and ending, I think, the day before the opening of the election. On the day of the election itself they cannot always be obtained. As a matter of fact, it is found that about two-thirds of the voters upon the register in Paris go through the process of obtaining their cards during the three days, and that most of them obtain them by personal attendance. They bring their polling cards with them to the polling booth, and they are allowed to poll without their polling cards if the deputy returning officer permits it; that is, simply at his discretion; but as a rule 99-100ths, I may say, would bring their polling cards. Having brought their cards, in passing into the room they are met by the touts of the various candidates, who press them on all sides with the bulletins of the candidates. The bulletins are supposed to be identical as far as their exterior goes; they are illegal if they bear names in coloured ink, but as a matter of fact they are of different sizes, and of different thicknesses, and can be detected from the exterior; and that is one reason why in practice the French ballot is not secret. The bulletins are handed to the voters by the agents of the various candidates. I will put these two in (*delivering in the same*, vide *Appendix*). They bear the candidates' names, one of them bearing the name of Monsieur Garnier-Pagès, and it bears the designation of Député Sortant, stating that he is the late member, and the other, that of Monsieur Raspail, says that he is the candidate of the Radical Democracy, so that the law permits them to say something upon their bulletin. I believe there is no limit to what they may say, provided they do not use coloured inks.

10140. Sir *George Grey.*] That constitutes, in fact, canvassing?—Yes; it constitutes canvassing. Almost every elector takes all the bulletins and tears up, or puts in his pocket, or throws away those that he does not intend to use, preserving in his hand that which he does intend to use. This I may state is not recognised by law; an elector is supposed by the law to write his own bulletin himself, and to bring it in his hand; but as a matter of fact, almost all the electors use these printed bulletins. I may state at this point that in the country districts, where the electors are much afraid of the power of the Government, and where they desire not only to keep their votes secret, but actually to go beyond that, and to make the Government believe that they have voted for the Government candidate, whereas, as a matter of fact, they have voted for the opposition candidate, they take the Government bulletin, which they take from the Government agent, who is commonly the Garde Champêtre, they carry that off, and they find some opportunity of leaving the *queue*, or string of voters, for a moment, and they scratch out the name of the Government candidate upon the Government bulletin, and write in ink the name of the opposition candidate upon it, and then they vote with the Government bulletin, leaving it to be seen, by the size and thickness of the paper, that they are using the Government bulletin, whereas, as a matter of fact, they are voting for the opposition candidate.

10141. What is the use of the card?—The card is exactly a polling card and not a voting paper. The voter passes in, having in his hand both the bulletin which he intends to use, either printed or written, and his polling card, the bulletin being his own affair, and the polling card being the Government affair. He passes up to the president of the section, that is the deputy returning officer, or to any one of the assessors, who are all sitting in a row; if many are voting at once, all of them would be occupied at once, and each of them has a copy of the register; he then hands to them, without speaking, his polling card; they look at it and look at him, and so do the friends and representatives of the candidates, generally two to each candidate, but sometimes more, varying according to the size of the room, but all beyond one each being admitted at the discretion of the deputy returning officer. They look at the man to detect personation; they are, in fact, what we style in this country the agents or representatives of the candidates to detect personation. The assessor or returning officer calls the name out; this one which I hold in my hand, for instance, is the voting card of Alfred Auguste Tresca, and when the assessor or returning officer reads out the name, if it is not M. Tresca, but a case of personation, somebody would probably know him. The sections contain an average of about 700 to 1,000 voters, and most of the voters are known to some one of the inhabitants, who would be present in the room; of course that is the same in this country, and the liability to personation is the same as in this country. The voter's name is then ticked off upon the register as having come up to vote, and a pair of scissors are taken, and one corner of the card is cut off. The Committee will see that this card has been used once for voting. The corner is clipped off, and the card is returned to the voter, who then, in his turn, hands his bulletin to the assessor or to the deputy returning officer; if it is handed to the assessor, the assessor hands it to the deputy returning officer, always folded, and the deputy returning officer puts it into the ballot box, which is in front of him, the ballot box remaining covered on the top, and the cover being slipped off for the voter to put the bulletin in, and then slipped back again.

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

10142. Mr. *Villiers.*] Is it folded so as to conceal it from the assessor?—It must be, otherwise the vote is lost. Mr. Verdon informed the Committee at their last meeting that in Victoria a vote is not lost even if the voter through design or through mistake allows the name of the person for whom he votes to be seen; but of course it will be evident to the Committee that the French plan of having the vote lost on those occasions is absolutely necessary to the secrecy of the ballot.

10143. Sir *George Grey.*] What is written upon the voting card?—It states the name, the date of birth, the qualification or profession, and residence of the elector, and it bears his signature.

10144. That is handed in, I presume, merely to show that he has a right to vote?—Yes, merely to show that he has a right to vote. It answers to the questions asked here, "What is your name and your number on the register"? I may state that where there is some doubt as to its being a case of personation, but not absolute evidence that can be tendered that it is a case of

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

personation, in those cases the elector is asked to write his name, and if he is a man who cannot write, he is sent back and told to produce evidence of identity; that is to say, to bring up somebody who knows him.

10145. Mr. *Cross.*] Who provides the polling card?—The polling card is provided not by the candidates, as in this country, but by the Government.

10146. Mr. *Hunt.*] Do you know in practice whether each voter goes to the mairie for a card or whether the agents get cards for a certain number of voters?—As a rule each voter goes; I am giving only an opinion now, but I believe, as a matter of opinion, that I may say that they would look with great suspicion upon a considerable number being asked for by one person, judging from conversations which I have had with maires. As the Committee know, by the French law, a candidate not having obtained a sufficient majority is sent back for another election, and in those cases the same polling card is again used; that is to say, if the voter has not lost it. This is a card (*producing the same*) which has two corners cut off; that is because it has been used twice; but in cases where the voter between two elections has lost his card he is allowed to go and get another card, so that it is not important. There are the same facilities for getting fresh cards. I may state that when a voter comes up and gives a particular name upon the register and asks for his polling card, and another voter has already taken out a polling card for that name, that is to say, where personation has been committed, there is machinery provided by law for at once instituting an inquiry by the maire, the court consisting of the maire and two assessors. It is an offence at law, and I believe about two years' imprisonment is given for it, much the same as here. I may state that, in the voting by ballot which took place in Manchester between Mr. Milner Gibson and the late Mr. Ernest Jones for the candidature in case of a vacancy at Manchester on a late occasion, a polling card of the same character as the French polling card was made use of, as the Committee will see. I will put one in (*handing in the same*).—It was required of each voter that he should produce his polling card which he had previously obtained; but the committees were allowed to obtain them for the voters on that occasion, and to fill them up.

10147. Sir *George Grey.*] Printed voting papers, if I understand you rightly, are not in France recognised by law?—No, not by law; each voter is supposed by law to take a slip of paper and write whom he votes for upon it.

10148. Mr. *Raikes.*] Was this signed by the voter?—Yes; if it was signed the signature was a piece of evidence of identity; if it was not signed in Manchester, and the person voting did not know how to read and write, evidence of identity was taken if any question was asked, but not if no question was asked; that is to say, the signature was not obligatory, and it is not obligatory in France, because there are many voters in France who cannot write, and in those cases they call a witness, who signs it for the voter. The voter makes his mark, in fact.

10149. Sir *George Grey.*] Is the name of the voter put to the bulletin?—No; if he puts his name to the bulletin, when they open the box, that one is destroyed.

10150. Mr. *Villiers.*] We do not understand that the public officer takes any notice of the bulletin?—He takes no notice of the printed bulletin any more than any other, except that he takes this negative notice, that if it bears a name in colours he destroys it in case the colour might have been seen through the paper in consequence of its thinness.

10151. But the evidence of the right of the man to vote is by his signature to the paper which is given by the Government officer?—Entirely so, except that it may be contradicted on occasions by the evidence of persons in the room. I will now continue the *procès-verbal.* The *procès-verbal* states that after the voting for the day had gone on, the box was sealed up with many seals; every voter present who choose, impressing his own personal seal upon the sealing-wax. That is an important provision, because the number of seals makes it perfectly impossible that the box should be opened, as has been stated. I may say, in passing, that there is a feeling growing up in France that it is unnecessary to have the voting continued for two days, which would again obviate the difficulty of the supposed opening of the box. The next day the voting again proceeded in the same manner as is stated by the *procès-verbal,* and then comes an account of the counting of the numbers of the votes. The *procès-verbal* states that the box being opened, the bureau (those five persons assisted by a secretary) count the numbers. They count first the total number, 2,204. That was a very large polling district, I may state, in passing. In counting they used those forms, which I will hand round, but not put in unless the Committee desire it (*producing the same*). They first count the number of good votes for each candidate, and there is a special column at the end which they call *bulletins nuls,* or votes which are lost; bad votes, in fact. The *procès-verbal* states the names of the voters who besides the committee assisted in behalf of each candidate at the scrutiny; and it states the names of each of the four for each candidate. That is a matter of practice. It then states that one of the *scrutateurs,* or, as I will call them, the representatives, read out aloud each bulletin, and passed it to another, who looked at it. The two others, sitting on each side of these two, simultaneously counted one vote to that particular candidate on this paper, the one checking the other. Having finished going right through the bulletins, they put aside as bad votes, votes falling under certain classes. Those classes are given by law, so that the *procès-verbal* stating the fact is obliged to follow the classification given by the *décret.*

10152. *Chairman.*] Is the whole of that *procès-verbal* printed?—Yes. It is just filled up with the statement of the president; it is all printed, ready for filling up. There are five classes of bad votes. In this case there were bad votes in two classes, and in three classes there were none bad. The five classes are as follow: First, votes that are entirely blank; that is to say, blank pieces of paper. The second class are voting papers which cannot be read, or in which the name of the candidate cannot be read. The third class are those which do not contain a sufficient designation of the candidate; that is, where nobody can make out what the candidate's name is, although it is legible; for instance, if a man votes for a particular Christian name without any surname.

10153. Sir *George Grey.*] In the case of Monsieur Garnier Pagès, supposing it was only M. Garnier,

M. Garnier, would it be thrown aside?—I cannot answer that as a matter of fact. The fourth class are voting papers, on which the voters have made themselves known; that is to say, those they have signed; and the fifth class are those which contain the name of a person who has not taken the oath which is required from the candidates. The oath now, since the Emperor has been on the throne, is required from persons before they become candidates, instead of after they are elected, as it used to be.

10154. Mr. *Villiers.*] Are votes sometimes given for persons who have not taken the oath?—Yes; and in that case they are lost. It was found, as appears by the *procès-verbal*, that there were 10 bad votes of the first class, and six of the third. On this occasion there were none of the second, fourth, and fifth; that is to say, there were 10 voting papers which bore no name at all, and there were six voting papers which did not bear a sufficient designation of the individual; therefore, in all, there were 16 bad votes out of 2,204.

10155. Mr. *Cross.*] Do you know how many marksmen there are?—No; you will see that there is no statement of how many marksmen there are; and there could be no statement of how many marksmen, because they do not sign those bulletins. They have nothing whatever to write, for they use a printed bulletin.

10156. Mr. *Villiers.*] Did I rightly understand you to say that they are allowed to make their votes known, if they choose it, by signing their name?—No; that is one of the cases in which the vote is lost. The law throughout assumes that the vote is secret; but I am going to state presently that, as a matter of fact, it is not. In counting the votes, the committee counting them, have, in their position, five little covers, with names printed on them, one cover for each kind of bad votes; and therefore as they come to a bad vote, they throw it into the particular cover which holds the bad votes of that kind. (1.) Bulletins blancs. (2.) Bulletins illisibles. (3.) Bulletins ne contenant pas une designation suffisante. (4.) Bulletins sur lesquels les votants se sont fait connaître. (5.) Bulletins contenant le nom d'une personne n'ayant pas prêté le serment prescrit. The five descriptions which I have just now named.

10157. Sir *George Grey.*] Who decides upon the illegibility of the vote?—The committee by a majority of voices. The secretary does not vote, but the committee of five decide upon any questions that arise; they are absolute, in fact. The president then states that he had proceeded to burn, in the presence of the electors, the whole of the voting papers, with the exception of the 16 bad votes; and having done that (he does not state it here, but, as a matter of fact, I think that I can state it positively), he sends the 16 bad votes to the mairie, in order that they may be filed and kept. There is no provision of the law that those 16 bad votes shall be kept; but they are kept for a few days, in order that if the friends of the candidates state that there has been some mistake about them, they may be examined, if that mistake were expected to affect the election. Supposing there were a few supposed bad votes in a very close election which might affect it, and which, as a matter of fact, were not bad, the affair would then come before a committee of the Chamber upon Elections; that is, a permanent committee, as in America, and as in most of the colonies, and it would come before them during the short Session which is always held in France immediately after a general election, called the *Session pour Verification de pouvoirs*, which will be held during this month. Copies of this *procès-verbal* are sent to certain persons, and it bears on its back a statement of the names of the whole of the candidates, and the number of votes polled for each candidate in that particular section. I may state to the Committee that a very large number of votes were polled in that section for two of the candidates; but there were five other candidates, besides the two popular ones, who polled a very small number of votes indeed; one polled 20, two polled three, and two polled only one vote each. That was at the first election, and at the second election those men retired in favour of the others.

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

10158. Supposing that a vote is given for a person who has not been nominated for a candidate, what becomes of it?—There is no nomination in France, except the nomination by the man himself taking the oath. It was a common joke in France at the time of the last election that a man going out for a walk said, "I am going to my café, and I am going to take the oath as a candidate;" so many took it that it was a sort of matter of course. A man may vote for any person who takes the oath, provided he has taken the oath in that district.

10159. Mr. *Raikes.*] How was that in the case of M. Rochefort?—He took the oath through representatives; he sent a letter stating that he would take the oath.

10160. Mr. *Villiers.*] Why did he send a letter?—He would have received the two years' imprisonment to which he had been sentenced if he had returned to the country.

10161. Mr. *Cross.*] When a man goes and takes the oath, is his name added to a certain list?—Yes, there is a list put up in the mairie of the names of the candidates who up to that time have taken the oath in the particular district. They are not allowed to take the oath, I think, within a certain number of days of the election, but I cannot say the number of days. I have now finished what is peculiar to the French system.

10162. *Chairman.*] What prevents a voter putting in more than one bulletin?—The president, that is to say, the deputy returning officer, in putting in the bulletin can feel by the motion of his finger whether more than one is contained there; if it were, he would probably, I should say, destroy both, having called the attention of the other members of the committee to the fact.

10163. It is an essential part of the French system, is it not, that the bulletin should be handed in through the returning officer, and not put into the box by the voter himself?—It is an essential part of the system, and if I may express an opinion upon the point, it ought to be an essential part of every ballot system; it obtains, as the Committee knows, in South Australia.

10164. You have also seen the operation of the ballot in some States of America, have you not?—Yes, in New York and Massachusetts. The system which prevails in New York is identical with the French system, and it is known in New York as the shanty system, because the touts of the candidates deliver the voting papers to their friends in little shanties, which are temporarily erected in the streets for that purpose; it is identical in principle with the French system, but

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

but conducted with less care; and it is notorious that personation is carried on in New York to an enormous extent, but as far as it is a system at all, it is identical with the French system.

10165. Mr. *Brand.*] Is there a register of voters in New York?—Yes, there is now, but till very lately there has not been. In Massachusetts at the time of the Know-Nothing movement, what was called the secret ballot was adopted. The Know-Nothing party, as the Committee knows, were the Anti-Irish party; and, as in the elections, frauds were committed by the Irish in the big towns, the Know-Nothing party made it one of the planks of their platform to put down personation; and at the same time they took up the plan of the secret ballot. At the time that they came into power in the State of Massachusetts they carried a secret ballot law; I cannot remember the date exactly, but speaking roughly, it was somewhere about 1851 or 1852.

10166. Mr. *Villiers.*] Had they not the ballot system before?—Yes; the same system which prevails now, because I was going to explain to the Committee that they repealed the other. With regard to the secret ballot (and I state this in order that it may not be wrongly stated upon the other side possibly), the secret ballot which was adopted in Massachusetts, was a system liable to fraud. It was the same system as was adopted in the ballot at Manchester, to which I have already referred. It was a system in which the voting paper of the Australian form, that is to say, one bearing the names of all the candidates was enclosed in an envelope. That system is liable to fraud in every way; and although it was not proved that fraud was committed at Manchester on the late occasion, because perhaps the inducement to fraud was not so large as it might have been in other cases, yet the system is evidently liable to fraud in a high degree. It was discovered that it did not prevent fraud in Massachusetts, and the consequence of that discovery was that the secret ballot law was repealed, and the present law in Massachusetts is identical with the French, as it is in most of the States in the Union at this moment.

10167. Mr. *Cross.*] What was the fraud?—What the Committee knows as the Tasmanian Dodge; that would be the general form of the whole of the frauds. I will now come to the point which the Right honourable Member for Morpeth raised just now. The American and the French systems, as the Committee will see, are so far secret as this, that they may be secret, but that they need not in all cases necessarily be secret, and in that they differ entirely from the Australian system if properly carried out, because the Australian system, if properly carried out, is, and must necessarily be, secret. By that I mean this, that in Paris if you follow a voter along the *queue*, along the string of voters, you can see him take the voting paper of a particular candidate. He takes it open, and you can see which he takes, There is no power to prevent it if he wishes you to see it in his hand from the time that he takes it to the time that the deputy returning officer puts it into the box; so that under the French or American system, if the voter wishes that other persons should know how he votes, he can ensure that they shall know; under the Australian system the voter cannot make known for certainty, as the Committee are aware, the way in which he votes, because if he tells you how he votes he may be telling a lie. In the French system and in the American system he can prove to a certainty how he has voted; so that all through I should wish, with the permission of the Committee, to keep the notions distinct of the ballot which must in all cases be secret, and the ballot which is only secret if the voter wishes it to be secret himself.

10168. Mr. *Villiers.*] Will you explain the process by which somebody is watching the voter, and the voter is disclosing to him how he is going to vote; there must have been some previous arrangement, must there not?—There need not have been a previous arrangement, but of course there might have been. I will state to the Committee that I followed a voter in Paris, and I requested him by previous arrangement in that case to do what I told him. He was a friend of mine, and I did it with a view of proving to him what he denied, as most Frenchmen deny, namely, that the ballot with them is not secret. I told him that if he did what I asked him to do, I should know, as a matter of fact, for whom he voted. He did so, and I do know, as a matter of certainty, which way he voted. He took the bulletin of M. Raspail in the street, and he folded it, and kept it in his hand without putting it in his pocket. I followed him in the *queue* past the gendarmes into the room, as if I had been a voter myself, and we came round to where he delivered in his polling card. I stood behind him as he kept his bulletin in his hand, and he then, having established his right to vote, handed that bulletin, which I had never taken my eyes off, to the deputy returning officer, who put it into the box; so that I could swear in a court of justice for whom he voted. That is the process by which I could observe how he voted.

10169. Sir *George Grey.*] That could only be with the consent of the voter?—With the consent of the voter. Of course I hardly venture to express an opinion to the Committee, but if I might, I would say, that for our purposes in this country, it is necessary that the voter should not be able to make it known to somebody for whom he voted. I may state, before I entirely leave that point, that the French and the Americans, from having had with very rare exceptions complete exemption from bribery, at all events, in the Northern States (I am not speaking of the Southern States), they are not aware of the evils against which we wish to guard; and, therefore, in explaining their system, the French particularly will commonly tell you that it is secret, they thinking that it is sufficiently secret for all practical purposes.

10170. Are you able to state what proportion of voters make their votes known in the way you have described?—I doubt whether any voters ever make their votes known in Paris purposely. There is a general feeling in Paris that the vote is a thing which should not be asked about, and that if it comes out which way a voter's sympathy is, it should come out as it were by chance, and not in answer to a direct question.

10171. Did you not state some time ago that the ballot was not secret in France?—Not in point of fact. I am looking to the proposed application of the French system to England, where this method of fraud would immediately be practised.

10172. You mean by which the vote might be ascertained?—Yes.

10173. Is

10173. Is the ballot really secret in France in the majority of cases?—In point of fact it is; in Paris it is; in the rural districts, where the Imperial pressure is very great, I heard, as a common rumour, that the voters like it to be seen how they are voting when they are voting on the Imperial side.

10174. Mr. *Villiers.*] Will you proceed to tell us how the Know-Nothing party determined to put down this system of fraud?—I say that they attempted to put it down by a secret ballot, and in so doing they established a ballot, which was a very bad system of secret ballot, not the same as in Paris, but their secret ballot was the same as that practised at Manchester, the envelope system; and they have now gone back to the Paris system, which was their system before.

10175. It was under that system that those frauds were practised?—It was under both ways that the frauds were practised; but there were special frauds peculiar to the envelope system which were practised under what they call their secret ballot; and there were other general frauds which were practised before, and which, in the city of Boston, are occasionally practised now, where they have reverted to the old system. That reverting to the old system was chiefly owing to local causes, namely, the general discredit into which the Know-Nothing party ultimately fell.

10176. Sir *George Grey.*] Is it the case that they have failed to establish a system in America which ensures absolutely secret voting?—They have done so; but I think chiefly because they never have really had, except in the city of New York and the city of Boston, any cause to establish such a system.

10177. They did try in Massachusetts, but they failed?—Yes; they established a bad system, and it failed.

10178. Mr. *Brand.*] The Australian system is not known in any of the States, I believe?—No, it is not known in any of the States, to the best of my belief.

10179. *Chairman.*] In France, I believe, a voter can never give more than one vote, as there is only one vacancy to be filled?—A voter can in no case give more than one vote.

10180. Whereas, in America, he frequently has to give several?—Yes, several; I think a very common number of votes to be given in America at one time, is three, at all events that is so in the Western States; I believe that in New York he would seldom be called upon to give three at one time. I would explain to the Committee that when they see a long list, called a "ticket," in the American papers, all those persons upon that ticket are not always to be voted for by any one individual, because that is a ticket for the whole State, and includes many divisions of the State; at all events a voter may be called upon to vote at one time for the governor of the State, and for a Congress man.

10181. Mr. *Fawcett.*] Upon whom does the expense of conducting the ballot in France and America fall?—In France it falls upon the commune in the rural districts, and upon the city in Paris; in America it falls always upon the local authorities; and in no case does it fall upon the candidates, except in this country, as far as I know.

10182. Have you any idea what is the expense of conducting an election in Paris?—No, I cannot tell; I know that the expenses of registration are very heavy in Paris, for it is conducted with enormous care; the expense of an election is perfectly trifling, because they always take rooms without any fitting whatever; they merely require a table; they do not hire rooms, they use public rooms of all kinds; in America they almost always use the engine-room or the school-room.

10183. So that in America the expense is extremely small?—I should say that it would be extremely small.

10184. Have you any idea what the whole expense to a candidate is in a Paris election?—In Paris, at this last election, the expenses were larger than they have been hitherto. The expense of M. Thiers' election, and M. Devinck's election, who stood against Thiers, as I was told, upon not very good authority, I grant, was 400*l.* a piece, and that was entirely spent in printing and in bill-sticking.

10185. But that was considered an almost unprecedentedly large amount?—Yes; such a thing had never been known before; there were gigantic bills stuck upon every part of Paris at the last election.

10186. It is not an unfrequent thing, is it, for a man to be returned in Paris for less than 100*l.*?—I have heard so.

10187. Can you tell me what is the expense to a commune of an election?—I cannot give an estimate which would be worth giving; but I can state that from the fact that they hire no rooms, but always use what may be called quasi public rooms, school-rooms, and so on, which are lent to the commune for the occasion, or which actually belong to them, and from the fact that no apparatus is required, but merely a table, a box, and a few chairs, I should say that the expense might be looked upon as nil.

10188. Are the scrutineers or representatives paid?—No; the representatives are unpaid friends of the candidates, and the members of the committee are voters taken from among the oldest and the youngest voters by law, and compelled to serve by law, but they are not paid. Of course, in taking those voters, they would take voters whose time was not very valuable to them. These are two drawings, showing how the voters come up and put their votes in the box (*handing the same to the Chairman*).

10189. Mr. *Villiers.*] Can you detail to the Committee the manner in which they take the ballot in the other States of America?—With regard to the variations in the different States in America, I speak with great reserve, because there being now 37 States, it is hard to sweep all into one net; but the ballot in the various States differs only in being more or less good, more or less complete. It is always now upon one system, that being the French system, and it is only more or less well done upon that one outline.

10190. Are they all open to the observation you made that a man may disclose the way in which he votes, if he pleases?—Yes; there is no State in America now where the ballot is absolutely secret.

10191. *Chairman.*] In America is there any restriction as to the colour of the ticket?—In the State of Massachusetts there certainly is; in the State of New York the tickets that I saw used were not coloured, but I know, as a matter of fact, that in Ohio, and, I believe, in most of the States, the tickets may be of any colour.

10192. *The O'Conor Don.*] Is it not true, as a matter of fact, in the State of New York, that the

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

the tickets are not coloured outside, but the names are printed in different characters?—Yes, that is the fact.

10193. So that by looking at the exterior you know to which party the ticket belongs?—Yes, certainly; but in America nobody much cares about that, because intimidation is unknown.

10194. You stated that in the State of New York they did not generally speaking vote in one ticket for more than three officers?—Not as a rule.

10195. Would you just look at that State ticket for New York (*handing a paper to the Witness*); there are eight upon it?—Yes, that is perfectly true; I was contemplating at the time what may be called elections of a larger character. These are for very small offices. comparatively speaking. As the Committee will remember, I mentioned the election of governor, and the election of Congress men, which are more important things. This is a ticket bearing the title, Secretary of State, but that is Secretary of State only for the State; it is the Secretary to the State of New York, which is a very small affair, and it also bears the Controller of the State, the Attorney General of the State, the Treasurer of the State, the engineer, the canal commissioner, and the prison inspector.

10196. That is called a State ticket, is it not? Yes, it is a State ticket.

10197. In the State of New York, the ballot boxes are made of glass, are they not?—I have heard that stated, but at the election which I saw, and which was an election for a Congress man, the ballot boxes were not made of glass.

10198. Is it long since you saw an election there?—Yes, it was nearly three years ago.

10199. At some of the elections are the ballot boxes of glass?—Yes, I have heard of it, but never seen it.

10200. Is it not also the fact that in New York in the rooms where they take the ballot the public are admitted?—As a rule, in New York the room is the engine-room, which is practically open to the street; it is all open in front; it is a room with only three sides to it, so that the public standing round see in.

10201. Cannot any person in this room ask a voter to show him the ticket which he is going to hand to the person receiving the votes?—It is so as a fact, and I may add that, though the French law is as stringent as anything can be against that being done, still, as I stated to the Committee just now, it can practically be done in Paris, but although in New York if it were detected nobody would say anything, in Paris if it were detected the vote would be rejected.

10202. Is it not the fact that in New York it is not necessary to follow the voter from outside, but actually in the booth when he is going to hand in his ticket any person may ask to look at it?—That is so.

10203. Mr. *Leatham.*] It is quite possible in Paris, is it not, to vote secretly if the law is carried out?—Hardly so, because the law could not detect my following that man as I did; there was nothing to detect; I merely followed him, and the law could not detect that I was watching him.

10204. *Chairman.*] But if the voter chose he could keep it secret?—Certainly.

10205. *The O'Conor Don.*] What was the difficulty that arose in Massachusetts in consequence of which they changed the ballot, and adopted what they call the secret ballot; was it personation?—No; the voters were bought and sold at so much a hundred; they were brought by what were called ward managers at so much a hundred. The city of New York and the city of Boston, but especially the former, in all discussions about American politics are looked upon as being perfectly unknown quantities.

10206. Then when those voters who are purchased come in the managers no doubt took good care to go and see that the voters placed their tickets in the ballot-box or handed them to the person taking the vote?—Yes.

10207. Mr. *Villiers.*] Can you tell me what might be the expense to the candidates of a contested election in New York?—The candidates in America do not buy people; it is the party; the candidates in America never spend anything upon bribery even in those parts where bribery prevails; bribery prevails in the State of Pensylvania, in the city of New York, and in the city of Boston.

10208. Mr. *Hunt.*] In the French system are the number of polling cards brought counted and compared with the number of voting tickets that are afterwards taken out of the urn?—I believe not.

10209. Is there no check in any way to prevent more tickets being put into the urn than the voters that come up to vote?—I cannot speak for certain; I believe not.

10210. Do you know whether any accusation is ever made there against a returning officer on the score of putting himself or allowing others to put tickets into the urn improperly?—Never, I believe, since the vote taken at the time of the election of the Emperor by universal suffrage throughout the empire. On that occasion the accusation was very widely made.

10211. And generally believed?—And generally believed, I think; I believe that it was done as a matter of fact upon that occasion, but then I must call the attention of the Committee to the fact that the present existing electoral law had not then been established, and the present décret is a décret of the Empire. There was another, but it was neglected at that time entirely.

10212. Then the electoral system which you have now been describing is conducted by means of voting papers or tickets?—Yes.

10213. Have you ever seen or been where voting was conducted by balls?—I have never seen that; I may state that I am informed that it is the case in Greece; but I know nothing about it. With the permission of the Committee I may state in answer also to that, that I have seen two forms of machine for voting by balls, which appear to me to be absolutely perfect.

10214. Is one of them a machine which has a self-registering index?—They are both self-registering. There is one which has been more or less puffed and advertised, which appears to me to be a good one; but there is another which I think a Member of the Committee has seen, and which was made by a man named Vassie.

10215. Is that the one which you described as having been puffed?—No; the other is the one that has been puffed; but the one by Vassie appears to me to be perfect if it were to be worked out by a competent mechanician.

10216. You do not know any country in which the ballot exists where secrecy is preserved as to the

the vote?—Yes; in the Australian colonies, with the addition of one provision, I am of opinion that secrecy would be absolutely preserved.

10217. Mr. *Cross.*] With regard to those men when they come up with their polling card, and the corner of the card is cut off; is there any register in which the particular man's name is ticked off as well?—Yes; he is ticked off on the register just as he is here, and in every system that I know of.

10218. You state that there is bribery in Boston, and one or two other places; can you account for the difference between those places and the rest of America?—It is owing to the very large Irish vote; people, most of them, unable to read or write, who are a very ignorant class indeed; and who, although they are naturalised American citizens, are not American citizens in the sense in which native-born Americans are; that is to say, they are not trained to free government, and probably have never had a vote before in their lives; and they are a very uneducated body.

10219. So that in that case the ballot does not prevent their being bribed?—No, not the American ballot; but the Australian system would prevent it. I will mention presently, with regard to bribery under the ballot, if the Committee will permit me, my opinion upon that point.

10220. Then the only distinction that you can draw between Boston and those other places where bribery does exist is the fact of the people being so uneducated, and being bribable?—Yes, their being bribable.

10221. That is to say, under the American system at all events, if there was a bribable population the ballot would not stop them?—Yes, that is the case; and I may add that at a single election which I saw at Toulon in November last, a certain amount of small bribery was committed; but I believe it was bribery on speculation, that the men were given so much as a small gift, and that they went and voted for the man who gave it to them or not, just as they pleased, but there was no security that they voted as they were bribed to vote.

10222. You state, do you not, that the money which is spent is not spent by the candidates, but by the party?—Yes, in America. In France there is no bribery, except in very exceptional cases. This case at Toulon was spoken of as a thing which had hardly ever been heard of before.

10223. Can you give any estimate as to the expense of a contested election in Boston?—No, I would not venture to say, and I doubt whether it would be possible to find out. The money that was spent in a New York election by Tammany Hall was a thing that you could not discover in any way.

10224. Do they allow canvassing in America?—There is no law against canvassing at all in America, but in New York, where the bribery takes place, the names of the bribable persons are all known to the bribers, who are the ward managers, and the way that the bribery is committed is, that the ward managers are paid, and they pay the bribed voters, and the ward managers are paid by the committees.

10225. Mr. *Fawcett.*] Is there any personal canvassing in France?—No, not at all in the big towns; in the rural districts there is. They go round to all the small proprietors.

10226. There is no system of paid agency, is there?—None whatever; in the rural districts it is a system of personal calls upon the leading electors; and they go round and chat with them.

10227. Mr. *Cross.*] Do they allow travelling expenses to the voters in France, or in America?—Certainly not in either country. I may state that the polling places are numerous in France and in America.

10228. Mr. *Edward Egerton.*] You stated that the expenses of the late Paris elections have been higher than usual; in fact, a sum of about 400*l.*; have you not very much understated it; have you not heard that Monsieur Thiers spent nearly 1,000 *l.*?—I was told 400 *l.* by a member of his committee; he was my informant as to both their accounts, and he told me that he believed that Monsieur Devinck had spent about the same. I stated just now that the only source of expense in Paris at the late election was bill-sticking and printing, but I must correct that slightly. Public meetings were allowed in Paris for the first time since the *coup d'état* on the last occasion, and the candidates did in some *circonscriptions* pay the cost of the hire of rooms.

10229. Did the candidates pay those expenses?—Not everywhere. I believe that in the Quartier Latin, in Rochefort's election, the expenses were paid by the committee.

10230. Have you seen any other elections in the country districts in France besides the one in Toulon?—No, I have never seen an election in the rural districts except that.

10231. But it is well known, is it not, in the country districts exactly how a man votes?—No, I think not at all; because I would call the attention of the Committee to this fact, that if you apply beforehand to the authorities in a French village they will tell you of any particular man that he will vote for the Emperor, that is to say, for the government candidate; and yet you find that in the rural districts on the last occasion the opposition candidates polled nearly one-third of the constituencies, and you would never hear of any man who was going to vote for the opposition candidate. Every man, if you believed the common report, was going to vote for the Government.

10232. Had they all been canvassed?—All canvassed in the rural districts; not nominally, but practically; not by the candidate but by the garde champêtre, who is a rural tyrant.

10233. Mr. *Leatham.*] I think you have not explained to the Committee under what circumstances a second ballot is taken in France?—It is necessary to obtain an absolute majority of the electors.

10234. The card is available a second time, is it not?—Yes, it is clipped on the other corner at the second election.

10235. And that is why it is retained by the voter?—Yes, but it need not be retained, because he can get a fresh one.

10236. Sir *George Grey.*] Does any part of the expense incurred by the candidates, either in France or America, consist of entertainment given to voters, drinking-houses being kept open?—I never heard of such a case in either country, neither in France nor America.

10237. Is there not much drinking going on at the time of the election; on the polling day, for instance?—In France, certainly in Paris, and certainly in Toulon there is nothing of the kind;

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

in America there is a good deal of drinking, but it is the drinking of the people themselves; they pay for their own drinks.

10238. Are the elections conducted in a peaceable and quiet way, and is there much crowding about the polling booths?—In a very quiet way in both countries, but there is a very considerable crowd about the polling booths, but it is a quiet crowd, it goes there to watch. There are a large number of persons in France who attend an election in order to see that nothing goes wrong, to watch the boxes, and so on.

10239. Is there any obstruction of voters coming up to give their votes?—None whatever in either country; I have heard of riots in New York at the time of elections, but not more than at other times; there are often riots in New York.

10240. Can you describe the mode in which the final declaration of the poll is made; is it made publicly by the returning officer or his deputy?—It is made, as was stated the other day by the gentleman from Victoria, who had been a returning officer there, that it is made in each district to the people who are assembled there, so that the return for that district is known; it is also made at the central mairie in France, not openly, but told from mouth to mouth through the crowd, and so it is with the returns coming in from each of the districts.

10241. Do a large number of persons attend to hear the result of the poll?—A very large number of persons indeed; there is no official declaration of the poll in France; this *procès-verbal* constitutes the official declaration, and it is afterwards suspended at the mairie.

10242. Do the candidates, either successful or unsuccessful, address the people upon the declaration of the poll?—At the late elections in Paris the Radical candidates for almost all parts of Paris addressed the people, not in their own borough, but on the Boulevards, as a sort of central gathering place for all Paris; but it was an unusual proceeding, and led to riots.

10243. Does any riot or disturbance take place among the people who are assembled to hear the result of the poll?—None whatever.

10244. Mr. *Leatham.*] It was stated the other day by a witness, that in the State of New York it was almost impossible for a respectable person to go to the poll on account of the large mob that assembles there; is that your opinion?—No, that is not my opinion at all. There are considerable crowds assemble, but there is nothing so bad as it is here in the most orderly elections; violence in the way of hindering voters from going to the poll is, I think, unknown there.

10245. Sir *George Grey.*] Are any military employed in connection with those elections in any way?—In America, of course not; there are no soldiers in the towns in America; but in France the election is entirely watched, as it were, at a distance, and guarded by the Garde Nationale, who are, by the theory of the French Constitution, the people themselves armed. The troops are commonly confined within barracks on the day of the polling.

10246. Have you ever known an instance in which the military have been called in to suppress any disturbance at an election?—I have never heard of such a case in France.

10247. *Chairman.*] Have the soldiers votes?—Soldiers have not votes when they are living in barracks; but if they are home upon leave they have. That, I believe, is the state of the French law upon the subject. I believe that the law is that they have votes, but that the commanding officers are allowed to prevent their voting if they are actually in barracks. Gend'armes have votes,

10248. Mr. *Leatham.*] Do you know whether in any of the Northern States of America a system of registration has been introduced?—I cannot say. I believe that it has been introduced since the war in almost all the States, but before the war it did not exist in the Southern States.

10249. But did it exist in any of the Northern States before the war?—I think there were some where it did not. I think it existed in all the New England and North-Western States.

10250. *Chairman.*] The Committee have had described to them the voting systems of South Australia and Victoria; have you also seen those of New South Wales and Tasmania?—Yes; I have seen an election in Tasmania, and I know the system in New South Wales. Perhaps it will be most convenient for the Committee that I should state certain points of difference, rather than go through the whole story.

10251. Do they differ in any essential respects?—Very slightly. The two groups of the Australian systems are South Australia on the one side, and the three other old colonies on the other. Tasmania and New South Wales very closely resemble Victoria. One point of difference between the various systems in Australia is, with regard to the mark upon the voting paper. The Committee know that in all the Australian systems the paper bears the name of all the candidates; but in South Australia the voter puts a mark against the names of those whom he votes for; whereas in the whole of the other colonies he scratches out the names of those whom he votes against. The latter system is simpler, and was preferred at Manchester. I may state, in reference to that, that at Manchester, where a third of the voters are a very ignorant class indeed; I believe only 12 or 13 papers were bad votes. It is possible that some of the people may have voted improperly, without knowing for whom they were voting; that is possible, but there were only 12 votes that were lost from the blotting, or from the non-scratching out of the names, or from the scratch being between the two names.

10252. Mr. *Hunt.*] How many voted out of those who might have voted?—I think between one-half and two-thirds.

10253. Have you ascertained whether of those who abstained from voting, a great many of them were unable to read or write?—I cannot answer that question, of course, but I can say that of those who did vote, a great number were unable to read or write, because I was partly in charge, from my wish to see it, of one of the booths, and I know that a very considerable number of those who came up to vote there, told me afterwards as they were standing about, that they were unable to write.

10254. Sir *George Grey.*] Did the upper class of the inhabitants of Manchester generally take a part in that ballot?—No, it was almost entirely confined to what may be called the lower class.

10255. Mr. *Edward Egerton.*] What was the proportion of those who voted?—Between one-half and two-thirds of those who were allowed to vote on that particular occasion.

10256. *Chairman.*] Do not those Australian systems

systems differ upon the point of the paper being deposited by the voter, or by the returning officer?—They do differ upon that point. In South Australia the voter, as in France, hands the paper to the deputy returning officer, who puts it in; in all the other colonies the voter puts it in himself. If my opinion were asked, I would prefer the French system as a check to putting in more papers than one.

10257. Sir *George Grey.*] As to its operation upon the secrecy of the ballot, which do you prefer?—I think it has no operation upon the secrecy whatever, provided there be a clause in the Act directing that it shall be the duty of the deputy returning officer that if he shall see the name within the ballot himself, by the way in which it is folded, or if he shall observe anyone else in the room that saw it, he shall destroy that paper.

10258. Did I correctly understand you to say that the returning officer who puts this paper into the box might know for whom the vote was given by the feel of one paper being thicker than the other?—In France each candidate has his own paper, but the difficulty could not occur under the Colonial systems where one paper bears the name of all the candidates, and in that case he could not know; it is the same paper. And it might be avoided in France by having the bulletins printed on paper of the same size and thickness.

10259. *Chairman.*] Is there any other distinction between the systems which you wish to mention?—I would wish to say a word or two upon what has been called to the Committee, and what is always known in Australia as the Tasmanian Dodge. The Committee are well aware what that is. A gentleman who wrote a letter to "The Times" after the Manchester ballot, and who was in the room on a late occasion, but whom I do not see in the room now, Mr. Foster Fitzgerald, stated in that letter, which he has allowed me to say is his, that no watermarks or initials could prevent the Tasmanian Dodge, as all the voting papers are genuine except the first; but that is not the fact, at all events in my opinion. There are two ways of preventing the Tasmanian Dodge; one is by watching the voter to see that he does not put his hand in his pocket and pull out a paper from his pocket, which might be done without seeing for whom he votes, and which we managed to see perfectly at Manchester; we could tell in the case of every voter whether he put his hand in his pocket or not, and we could have arrested him if he had done so; but the other plan, which I much prefer to the former, would be the deputy returning officer initialling each paper in the corner. And an additional check may be provided by a seal upon the back, or any mark of that kind upon the back of the paper; these seals or marks being changed upon several occasions during the day, say, being changed every quarter of an hour. A combination of those plans would work thus, that a voter on coming up and handing his voting paper to the deputy returning officer would, when passing it before him, allow of this, that the officer would recognise both the seal and his own initial before he dropped it into the box. I think I may say, although, of course, the Committee will know it as well as I do, that it has been found in auditing accounts that persons recognise their own initials with very great facility. Initials are a thing which it is extremely difficult to forge upon the moment.

10260. Mr. *Hunt.*] The Tasmanian Dodge supposes, does it not, that all the notes used are authoritative papers, only that they are not used by the persons who are intended to use them?—No; all except one. Voter No. 1, in practising the Tasmanian Dodge, must use a paper which is not an authoritative paper, otherwise you cannot work the dodge. Voter A must take out a paper and substitute a false paper for it.

10261. Is it necessary for every person who goes into the room that he should deliver his vote?—Yes; if not he must be called upon to account for the paper; he must not be allowed to pass out until he has delivered it.

10262. Would you only admit one voter into the room at a time?—No; the room under the Australian system consists of two compartments. Mr. Verdon called the attention of the Committee to that. At Manchester we had a bar across, and we put a policeman at the bar. The voter having established his right to vote, and having had his name ticked off upon the register, and having received his voting paper, passed through into one of those compartments. We had a large number of those compartments, so that many voters could be voting at once; and it was managed like the places for receiving dividends at the bank, that is to say, A to D, and so on; the alphabet was divided.

10263. Supposing you admitted a number of persons into the room how, unless you had told off some one to watch each voter, would you ensure each voter putting his ticket into the box?—It is for that amongst other reasons that I should prefer the South Australian plan of the voter not putting his ticket into the box himself, but handing it to the deputy returning officer to put it into the box.

10264. If you admit the voters into the room how do you ensure that each voter should vote?—Because the policeman at the bar would not let him pass out until he had done so. The policeman standing at the bar, or at the box, the voter would hand his ticket to the deputy returning officer standing behind the bar at a table. The table at which he stands and upon which the box is, is, in fact, a continuation of the bar, and I would not let the voter out until he had in some way accounted for his paper. Even if he had torn it up he must show the pieces. Of course the burden of the proof would be upon him to show what he had done with it.

10265. Mr. *Bright.*] He should not take it out?—No, certainly not.

10266. *Chairman.*] Would not the system of putting consecutive numbers on the voting papers check the Tasmanian Dodge?—Yes; only that that would seem to require one of two things; either that the voting should be very slow, or that the polling districts should be very numerous. If nobody cared about that, if on the one hand the expense of numerous polling districts were not minded, or on the other hand slowness of voting, which comes to the same thing, of course that would prevent it, but it would require a system of *queue* voting, which of itself is certainly a slow thing unless the district be very small.

10267. Mr. *Cross.*] Then you would know, would you not, what the name of each man was who voted?—I do not see why you necessarily should know. The numbers would be merely consecutive on the papers, and you would see that you had got the consecutive numbers. By

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

remembering the numbers of course you would.

10268. Mr. *Hunt.*] This supposes the returning officer to wish to prevent the Dodge?—Yes.

10269. But it might be that the returning officer might not?—That might be so; but I think that you must in any system of voting, whether secret or open, repose a great deal of confidence in the person who is at the head of each polling booth. Of course, we repose a great deal of confidence in that person in this country at this moment.

10270. But all his acts now, when everything is done openly, are liable to be challenged?—Yes; but I think that he could hardly allow his initials to pass without its being notorious that he did so. You see that he would have no object unless he did it in confederacy with some other people, and your returning officer must be a man of character to prevent this confederacy.

10271. Sir *George Grey.*] The scrutineers would check any practice of that kind, would they not?—No, they could not check that particular thing without certain loss of time, because the initials would have to be shown to them as well; but the man knowing his own initials would not be so slow about it. A man knows his own, but not other people's.

10272. *Chairman.*] Do you know whether an attempt has been made to stop the practice called the Tasmanian Dodge, in Tasmania?—I may state that a man was sentenced to a long term of imprisonment for having been concerned in it.

10273. Have they altered their form of voting?—They have adopted the plan of the water-mark of the paper which does not prevent that dodge at all; but they altered that at the same time that they introduced the plan of seals. They were talking, when I was there, of introducing the plan of initialling; but only talking of it; they had not actually done it. I think they probably have done it by this time; but they have introduced the plan of seals, occasionally changed. I may state that the great difficulty at any time of working the Tasmanian Dodge, coupled or not coupled with the institution of those seals, was supposed to have entirely checked it, and that it was only known to have been practised at one election.

10274. It would, under any circumstance, be very difficult to keep up, without detection, for any length of time, would it not?—Very difficult.

10275. As I understand it, in each case the voter must use a ticket, which has been given to him previously, and bring out his own ticket with him?—Yes. The first voter must put in a blank paper, or what is practically a blank paper.

10276. Mr. *Leatham.*] That requires a great deal of slight of hand, does it not?—The paper can be got out of his pocket or his sleeve and the other put in without any very great difficulty; if he wears a loose great coat, for instance, or a double eye-glass, he can pull out this paper in pulling out his double eye-glass, and put in his other paper with the eye-glass. The eye-glass plan was the plan actually worked in Tasmania.

10277. Mr. *Hunt.*] Any person who could cheat at cards, I suppose, could cheat at that?—Yes; as far as that first action goes it is difficult, but not very difficult. I should like to state in addition that I should be sorry, if any difficulty were found in working the initial plan which I have suggested, that it should be supposed that that were the only plan of preventing the dodge, because there are many seals or stamps which cannot be manufactured in less than a week; and if the seal were kept a secret in the hands of one person until the morning of the election, and then used, it would be impossible to imitate that seal during the day, and that seal would be a thing easily recognised. I merely suggest initials as one of the many courses of the same kind. I may say in this as in many things, even although it were conceivably possible that the one bad vote might pass, still, if it were known that the precautions against its passing, and the penalty on its being detected were very large, it would deter people from even attempting it.

10278. *Chairman.*] Have you formed any opinion about those different modes of voting as affecting the case of blind or ignorant voters?—Yes, I have. I may state that with regard to the ignorant voters, or voters who cannot read the plan adopted in Victoria is, that the deputy returning officer is sworn to secrecy, and directed, in the case of a voter stating that he cannot read, to ask the voter how he votes, and to strike out as that voter directs him. On the other hand, in South Australia, there is no provision for the case of voters who cannot read. At Manchester colours were adopted. The colours I do not like myself even in the case where there are only two candidates; but obviously in the case where there are four or five candidates, and still more in the case where, as in the City of London, there were seven on the late occasion, the practice of colours could not be worked. And therefore I would prefer as a choice of evils the Victoria plan of swearing the deputy returning officer to secrecy, and directing him to strike out as the voter, not being able to read, should state to him; and I would provide that if that statement were made so loud as to be overheard by the assessors, the vote should be rejected.

10279. In Victoria does the returning officer go into the recess with the voter?—Yes; the returning officer has also a deputy in each booth, and the deputy returning officer has himself a deputy in each booth; there are two of them, and he generally sends his colleague into the place where the voter ought to strike out the name.

10280. Have you anything to add as to the effect of those different systems with regard to secrecy?—I may just add that there is one good point in favour of the French plan, that of course there the difficulty of the voter who cannot read does not occur, because any one in whose secrecy the voter has confidence, and chosen by himself, can give him the bulletin.

10281. As to scrutiny, have you any opinion to offer?—I wish to give an opinion as to scrutiny. I will first state the various colonial rules.

10282. Sir *George Grey.*] You did not state whether a scrutiny takes place in France?—I stated that the votes were burnt at the close of the election. I would add that in Victoria and in all the colonies, I believe the voting papers are kept, not by the chief secretary, as Mr. Verdon stated, but by the clerk of the house, or by the speaker of the house. In New South Wales (and I have that statement from Sir Daniel Cooper, the late speaker,) they are kept by the speaker, and are kept for ever. In Tasmania they are kept for five years, in Victoria for two years, and in South Australia not at all, the same as is the case in France, where they are not kept at all, but are destroyed immediately on the

the conclusion of the election. That is the practice. For my own part, I am of opinion that with due means of detecting personation, by the smallness of the district and by the presence of proper representatives, a scrutiny is wholly unnecessary. In this country we have a practice of punishing personation upon evidence which shows that a bad vote has actually been given; but it is obviously not necessary to wait for the vote having been given. The attempt to personate would really be complete when the voter had said that he was such-and-such a person, and it is not necessary to wait until he has actually cast the vote. With proper security against personation in that way, I doubt whether it is necessary to keep the papers. It obviates many difficulties which have been raised against the secrecy of the ballot if they be not kept.

10283. Mr. *Villiers.*] What is the reason assigned for keeping the papers?—In order that an election petition may be possible.

10284. With what view would a petition or an inquiry be instituted, if the votes were secret?—Aliens, for instance, having voted, or people who were dead having been personated, or where persons are aware of having been personated.

10285. But that could not be proved by secret voting; you do not identify the paper with the man who put it into the urn?—In some colonies they have instituted the system of numbering on purpose to be able to do it; in Victoria, for instance.

10286. Sir *George Grey.*] The number on the paper corresponding with the number on the register?—Yes.

10287. Mr. *Bright.*] Therefore, if it was discovered that at an election 20 persons had been bribed, you could have recourse to the voting papers in the urn to ascertain whether those 20 persons had voted for the sitting Member, and if they had, you could unseat the Member?—That is the object of it; but it would only be even so far as that necessary where the election was close enough to make a scrutiny worth having, because of course, as far as the punishment goes for bribery or personation, it is not necessary that the voter should have voted for the person who bribed him.

10288. For the purpose of unseating a Member for bribery you would require to show not only that certain persons had been bribed, but that they had been bribed to vote for him and had voted for him?—Certainly.

10289. Mr. *Villiers.*] I take it that it would be sufficient to prove that a certain number of persons had voted who had been bribed?—Yes, in order to have a scrutiny. I may state to the Committee the French practice, which is a pretty good one; they have no scrutiny, no scrutiny is possible, but in a case where general bribery is shown by a sort of *primâ facie* evidence alleged in the petition to have existed, which is a case, I believe, which has never occurred, but which is provided for by law, in that case the *Committee pour Verification des Pouvoirs*, or the Elections Committee would take the case into consideration, and would consider whether the election had been voided by the amount of bribery which had been prevalent; and if so, they would recommend that a fresh writ should be issued, and the whole election voided; a scrutiny is impossible, but that is possible, just as an election is voided here in law by a general riot.

10290. You say that you cannot identify afterwards certain pieces of paper, with the persons who put them in the box?—As a fact, you can in Victoria; but I think it is unadvisable that it should be so; I would have no scrutiny myself.

10291. *The O'Conor Don.*] Do you know whether there is a scrutiny in America at all?—I think not, from what I heard; I am not certain.

10292. Are you not aware that they unseated their representatives for New York?—Yes, but I believe it was on the ground of the general bribery which I stated just now; however, I am not certain of that.

10293. Mr. *Villiers.*] Have you ever known an instance where voters were deterred from voting, that is, induced not to vote for a corrupt purpose, where you have been observing the secret vote in operation?—I have not heard of that being the case, but obviously of course it might be the case.

10294. *Chairman.*] I think you said that you have not seen in operation any system of ball voting?—I have never seen it.

10295. But you have seen some models?—Yes, which I have carefully examined, and which I believe to be perfect.

10296. From what you have seen of the paper system, and from the knowledge you have of the ball system, should you be inclined to prefer the one to the other?—If I could decide myself which was to be adopted, I should decidedly prefer the ball system; but I feel very strongly that without there being really the slightest liability to error in the self-registering part of the machinery, it might be said that there was that liability to error. It would be of course a matter for the Committee and for others to consider whether that would be a real danger.

10297. Is self-registering machinery a necessary part of the system of ball voting?—It is not a necessary part, but the advantages of ball voting are, that it economises time in the voting, and economises time in the counting of the votes if the self-registering plan is adopted. Self-registration is necessary to a plan, I think, where the same balls shall be constantly used. If you are not to have the same balls constantly used, then you must have gigantic boxes to hold all the balls, and you have a great loss of time again, as in paper voting, in counting the balls at the end.

10298. Sir *George Grey.*] Could you give a general description of the system of ball voting?—A plan which is not worked in any country, but which has been suggested, is this: there is a box in which there are several apertures, all of which, however, lead down into one tunnel, to the bottom of which the ball falls, so that the person at the back has no knowledge whatever for whom a voter has voted, but merely the fact that he has voted, each aperture representing a candidate. You may have as many apertures as you like, but they all lead to one place, and they are all close together, so that you cannot see from the direction of the man's hand for whom he has voted. Then there is a device by a little stop, which absolutely prevents more than one ball being put in for any one candidate. I stated that the ball voting economised time in voting, and that it economised time in counting. It also prevents the Tasmanian Dodge of itself, and it also gets over the difficulty about ignorant voters, and about blind voters, because the voters

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

can be told before they go up to vote what are the positions of the holes into which the ball is to be put for each candidate. I may state, before entirely leaving that branch of the subject, that the question of blind voters occurred at Manchester, and that I was called upon to devise some mode of meeting it at a moment's notice. I cut slits in a card to cover the voting paper, and then informed the voter the order in which the candidates names stood, and he voted successfully.

10299. Mr. *Brand.*] Would not the ball system that you have described be a costly system of voting?—Those machines certainly would be somewhat costly, but I should say that they would last many years. I cannot estimate what the first cost might be, but I should think, roughly speaking, 10 *s.* a piece would cover it. It need not be a very delicate machine, and there is an ample system of checks provided by the registering machinery.

10300. I do not think that you have specified the system precisely which you are referring to at this moment?—The one that I have particularly in my mind at this moment was the invention of a very humble man, a shoemaker named Vassie, and it has been worked out by him and his son, who is a watchmaker, and I believe has made the machine.

10301. Mr. *Bright.*] Many contrivances of that kind have been made, have there not?—Yes, there have been many. I stated that one has been advertised a good deal.

10302. Sir *George Grey.*] Have you gone through all the facts you wish to state with regard to the Australian mode of voting?—There is only one thing which bears upon the Australian mode in particular. I do not know whether the Committee would like to know it, what would be the general result of the changes which I have proposed as far as the Victoria system is concerned, taking that as a standard; the tendency of what I have been giving as my opinion would be, that supposing ball voting were not adopted, and supposing that one of the paper plans, generally speaking, of the Australian kind were adopted, if the Victoria system were taken as the standard three changes would be proposed by me; first, that the deputy returning officer should recognise his initial on the back of the card, and should himself put it into the box; secondly, that if the voter allowed the inside of his paper to be seen his vote should be lost; and thirdly, that, as in South Australia, there should be no scrutiny.

10303. Mr. *Fawcett.*] Who pays the expenses of conducting the election in the Australian colonies?—Evidence was given upon that point by Mr. Verdon here the other day, which was more complete than any that I could give. I could not state it positively. The whole of the expenses, as I understand, are thrown upon the rates, but the candidates are permitted, very improperly in my opinion, but they are permitted, to pay the expenses of the conveyance of voters to the poll. But all that we call the legal expenses: all the necessary expenses are thrown upon the rates, I believe, in all the colonies.

10304. Are you aware whether there is any provision, if that be the case, to prevent what in England is called fictitious candidatures?—I am not aware of the provisions upon that point. There is a provision in Victoria, as was stated here the other day by Mr. Verdon, but its exact character I have not in my mind. I believe that there is a provision in each of the colonies to that effect.

10305. I suppose the expense of conducting an election is very small?—In Victoria, what you would call the necessary expenses are very small. I may state, with regard to the ballot, that it is so advisable as to be almost necessary that the ballot should be conducted in rooms; and those rooms, of course, may be obtained almost everywhere; school-rooms can always be borrowed for the purpose.

10306. Then one of the incidental advantages which you attribute to the ballot would be the great diminution which it would cause in election expenses?—That is purely incidental; but it would be so.

10307. Mr. *Locke.*] Have you yourself seen the French mode of voting?—Yes; and I have explained it to the Committee.

10308. Do you think that there is a great check in the French system against personation?—The ballot has no additional efficiency in itself in preventing personation. The French system of preventing personation is one which rests upon the individual knowledge of the majority of the voters by persons who are present as friends and representatives of the candidates, and is consequently the same system as our own.

10309. Is it not the system in France that before a man can vote by ballot, it is necessary for him to obtain a ticket from the mairie?—Yes, I put in the polling carte, which he must obtain.

10310. *Chairman.*] Have you any further suggestion to make to the Committee?—I would like to say one or two words with regard to afternoon bribery under the ballot. I have a strong impression, being a strong partisan of the ballot, that it is a pity that certain advantages should be ascribed to the ballot which it does not possess, as contrasted with other modes of voting. It has been largely stated that the ballot would stop afternoon bribery, and that also it would stop all bribery. I would call the attention of the Committee to the fact that afternoon bribery, so far as it depends upon the knowledge of the state of the poll, might perfectly be checked without the ballot, I think it is advisable that that should be at all events borne in mind.

10311. Mr. *Leatham.*] How would you effect that?—I have often stated that one of the incidental results of the carrying of the Bill which was before the House of Commons this year, the Election Expenses Bill, would have been, although I believe it was not known to the authors of that Bill, to have prevented the state of the poll being known. The knowledge of the state of the poll depends upon the institution of check clerks, which persons are appointed by the candidates or the committees, and they are people, as the Committee knows, who do the poll clerks' work over again, the poll clerk being the official person, and the check clerk the candidate's person. There is no authority in the poll clerks or in the deputy returning officer in charge of the booth to make the state of the poll known, or to let the poll sheets be seen, or his certificate of them, and it would be improper conduct on his part if he did so; therefore the knowledge of the state of the poll depends entirely upon the check clerks, and upon the candidate's representatives. Now, there is no provision in any Act of Parliament which

which recognises their existence, and it is only by the candidate's paying the expenses, and consequently agreeing, as it were, either tacitly or not, among themselves to have such persons, and to have booths big enough to contain such persons, that they are allowed to be there; and if the expenses of the election had been thrown upon the rates, the parishes, having no interest in increasing, but having an interest in decreasing those expenses, would undoubtedly have made the booths of the size provided by Act of Parliament, and would consequently have excluded the check clerks.

10312. Sir *George Grey.*] We have heard that in Australia, where the expenses do fall upon the public revenue, the candidates employ scrutineers, who exactly correspond with the check clerks here?—I would venture respectfully to say that a scrutineer does not at all correspond with a check clerk; a scrutineer corresponds with a representative, but he is not a check clerk; he does not write down. The check clerk here is entirely distinct from the representative; the representative here is an agent, and his name in law is agent for detecting personation; and he is a recognised person, recognised by Act of Parliament, and appointed by the candidate under Act of Parliament.

10313. Mr. *Cross.*] He might put down when they came up to vote who they voted for, might he not?—If he could see all the compartments of the booth at once he might, but as only one is recognised at each booth, and as the number of compartments in this country commonly varies from one to 12, it is impossible, when people are voting at all quickly, that he should see them all, because he can only watch one at a time.

10314. Mr. *Bright.*] Surely no question of expense which is to fall upon the candidates would prevent the political party having not only its representatives but its actual check clerks?—Nothing to prevent the possibility, but check clerks are not known to the law.

10315. But whether they are known to the law or not, the law would not forbid them?—I might say that if a parish built a booth with no room for check clerks, that parish would be supported in so doing by a court of law. Of course that is merely a matter of opinion.

10316. Sir *George Grey.*] Will you proceed with what you were going on to state as to what effect the ballot would have upon afternoon bribery?—I was merely going to state that it is perfectly possible without the ballot, in my opinion, to exactly meet the case, because it is possible by concealing the state of the poll to prevent afternoon bribery without the ballot. The other point is, that in small boroughs, if small boroughs are to be preserved with the corruption which has grown up in some of them, of course the ballot would not prevent bribery in the form of gifts conditional on a man's return, which of course is the most certain kind of bribery that there is, and it is only the stupidity of bribers which prevents their resorting to it under the present law. The form of bribery which prevails now is a stupid form of bribery, namely, giving a man 10 *l.* to go and vote for a particular individual, because he may go and vote for somebody else, or he may take bribes from both sides. But a candidate saying, "If I am returned I will give you 10 *l.*," gives the voter a distinct interest in performing his implied promise. It is the best form of bribery, and if bribers were not stupid, it is in that form that they would bribe now; and the whole of that would remain untouched by the ballot, because whether a man's vote were secret or not, it would still be his interest to vote for the candidate who would pay him if returned.

10317. Mr. *Villiers.*] Do you understand that people pay before the votes are given?—They do very commonly.

10318. I think that never used to be the case in the former state of things?—That has come out before Election Committees on the present occasion.

10319. People used to be paid according to their votes in the poll-book?—The Election Committees have brought out the reverse as being the case; but I merely mention that, because speaking as a strong partisan of the ballot, I should be very sorry if it were adopted that it should afterwards be said that I had supported it upon points which were not true.

10320. *Chairman.*] Certain questions have been asked by Members of this Committee with the view of showing that that sort of bribery to which you have referred, a conditional promise of payment, would be increased by the ballot; is it your opinion that that would so?—It would be increased compared with other forms of bribery, because it would then become nearly the only form possible, and therefore unless bribery is to cease altogether it would probably be increased; all bribery that was committed would take that shape.

10321. Sir *George Grey.*] Would that be applicable to the small class of boroughs?—Yes.

10322. Mr. *Bright.*] You, I believe, have a very strong opinion against small constituencies?—Very strong indeed.

10323. Then the size of the constituency should be taken into consideration with regard to the very strong opinion which you hold?—That colours my evidence upon that point undoubtedly.

10324. Even with the smaller constituencies, there would remain some uncertainty which, with open voting, does not remain, would there not; that is to say, corrupt contracts might be made with both sides somewhat more easily than at present?—Yes; I think that would be the case.

10325. And if that were the case, it would so far tend to prevent any contract at all?—Yes, that would be the case; and also, of course, the intimidation which exists in many small boroughs would be prevented.

10326. Mr. *Cross.*] You say that by the system of open voting the poll need not be made public; I presume you mean in this sort of way, that even if you allowed check clerks, provided that there should be the mayor or sheriff's poll clerk, and the two check clerks were allowed so far from the parties who are there seated to prevent personations that they could not see how a man voted, that would do it perfectly?—You might easily forbid the representatives to send off sheets during the day.

10327. You might place them in such a position that it would be impossible for them to know how a man voted?—Yes, it would be perfectly possible; but it would be sufficient to forbid that.

10328. It is perfectly practicable, is it not, to ensure that the poll shall not be known till it is closed under the system of open voting?—Yes, perfectly.

Sir *C. W. Dilke*, Bart., M.P.

25 June 1869.

10329. Sir *George Grey.*] Would not you then exclude every other person except those officially employed, and the check clerks from the polling-booths?—You do that now in all places where the election law is properly carried out. The practice may not be observed in all boroughs; but it is strictly observed in London where a large number of persons crowded round the booths. The candidates even are not allowed to enter the polling-booths unless they enter as authorised persons to take the place of their own representatives. That was carried out very strictly in London at the last election.

10330. Mr. *Cross.*] In fact, in the actual place where the men voted, if you confined it to the mayor's clerk and the representatives of each party, and did not allow the public to come in and see how they voted, it is perfectly clear that you would be able to keep the poll secret?—Yes; I am perfectly aware that in many boroughs the interior of the booth is not preserved in that way, but it was so in London; certainly it was so in my own borough at the last election.

10331. Mr. *Locke.*] What part of the interior do you speak of?—I am speaking only of the interior of the booth immediately behind the check clerks.

10332. But anybody may stand behind the voters?—Yes, certainly; but that is not the interior of the booth.

10333. Still it is all under the same cover?—Yes, certainly; and they would be able to estimate how the voting was going on; but if they were excluded it would be merely a general impression, they would not know perfectly; but you might keep them out certainly; even now, when there is any fear of a riot, the police do commonly keep them off.

Mr. Arthur Arnold, called in; and Examined

Mr. *A. Arnold.*

10334. Mr. *Villiers.*] I believe you have given some attention to the proceedings at public elections?—Yes.

10335. Have you had an opportunity of observing the mode in which they are conducted in foreign countries, or in any particular country?—In Greece last year I had an opportunity.

10336. Were you there when there was an election?—I was there for some months during which there occurred an election.

10337. Did you give particular attention while there to the mode in which the election was conducted?—I did.

10338. How are the votes taken there?—By a ball ballot.

10339. Did you examine the system particularly yourself?—Very closely indeed.

10340. Will you just describe to the Committee the mode in which the vote is given, and what is the machine for making it secret?—At each of the polling places, which are always public buildings, each candidate has a ballot-box with his name above it. The ballot-boxes are precisely similar in form to those used at the clubs in the West End, with this exception, that projecting from the hole into which the hand is placed, there is a funnel long enough to conceal the arm to the elbow. Upon the voter coming into the polling place (and by the way the churches are generally the polling places in Greece), he advances to a table, and there his claim to vote having been verified, a clerk attends him with a small wooden bowl containing so many small balls (they were bullets in this case) as there were candidates, and in front of each ballot-box offers him a bullet, pronouncing at the same time the name of the candidates. The ballot-boxes are arranged immediately behind the table, at which the voter is identified. They are coloured one half black, and the other white; the black half bearing "No" upon it, and the white half bearing "Yes." Upon the ball being given to the voter, he puts his arm up the funnel concealed to the elbow, and gives his vote to the right or left, as he wishes "No" or "Yes" for the candidate.

10341. Is that explained to him by any person standing near?—The clerk in attendance pronounces the name of the candidate, and gives him at the same time one bullet.

10342. How does he indicate to him what precisely he is to do?—If the man cannot read, he would say, "That is the 'No' side, and that is the 'Yes' side of the ballot-box."

10343. Does he only take one ball and put it into this funnel?—He has one ball given to him and he puts his hand into the funnel, and deposits it to the right or to the left, as he wishes to vote for or against the candidate.

10344. That is precisely the way in which they vote at a club, with this difference, that the arm is inserted up the funnel as far as the elbow?—Precisely.

10345. So that no person could judge which way he put the ball in from the motion of his arm?—It is so. I believe that this scheme was imported from England; it was first used in Corfu, and subsequently all over the kingdom of Greece.

10346. How many members are there in the Chamber?—One hundred and eighty.

10347. Do they choose them altogether when there is an election?—I was present at a general election when they were all chosen.

10348. But it is not a portion of the chamber, some having gone out, but a fresh house elected?—It was the entire chamber that was chosen on that occasion.

10349. Was Athens one of the places where they voted?—Greece is divided into electoral eparchies, returning one membor for each 10,000 inhabitants; the district of Attica, in which Athens is included, returns five members in respect of 50,000 population.

10350. And you saw the election for five members?—Yes.

10351. Did each person take five balls in his hand when going to vote in five boxes?—For the five vacant seats there were 30 candidates, and therefore there were 30 ballot boxes arranged behind the table at which the claim to vote was verified; out of those 30 candidates five were to be chosen for the vacant seats.

10352. Then the voter is apprised of the names of the candidates, and is left to act independently when he has got the 30 boxes before him?—In precisely the same manner as at the Reform Club

Club, the name of each candidate being inscribed above each box.

10353. Did you observe any confusion arising from the ignorance of the voter, or his not knowing precisely what he was to do?—There were some voters who, from their manner, I should judge could not read the name of the candidate, but it was loudly pronounced to them by the attendant, and a watchful scrutiny over the election is observed by a friend of each candidate at each polling place, accepted by and answerable to the authorities.

10354. Is he allowed, if he sees a man in a difficulty to know which was the box of the candidate for whom he intended to vote, to point it out to him?—No observation is permitted in the polling-place by anyone except the appointed officer, but the friends of the candidates most jealously watch the countenance and the intentions, if they can infer them, of every voter, but they are not allowed to make any observation whatever.

10355. I understand from this system that there is no kind of writing on the part of the voter, or reading anything put into his hands?—Nothing whatever; the most illiterate man could perform it in the most satisfactory manner.

10356. Then it is the simplest form in which a vote can be taken by ballot?—The simplest form possible.

10357. Mr. *Bright.*] If there were 30 candidates, were there 30 of those boxes with funnels?—Yes.

10358. If a voter comes in, and he is only going to vote for six, or any smaller number, does he go and deposit a ball in each of the 30?—Every voter votes for or against every candidate, so that the attendant clerk, whom I have described as bearing the wooden bowl with a ball in it for each candidate, has always at first the same number of bullets in his bowl. He started on that occasion with 30 for each voter, and followed him round the ballot-boxes, which were arranged on a table, pronouncing the name of a candidate at each one of the boxes.

10359. Then he puts his hand in the funnel and votes for or against?—Yes, with the great advantage that the votes given for and against in each ballot-box must balance.

10360. He might put in a ball in favour of each of the candidates of the 30 might he not?—Probably such mistakes have occurred on the part of very illiterate persons, but there is no want of confidence felt in the system of election on that account, because it is as fair for one as for another candidate.

10361. Mr. *Cross.*] Has each voter a ball put into his hand as he comes opposite the ballot-box?—Yes.

10362. Mr. *Villiers.*] And he ought to vote against 25 and for five if that was the number to be selected?—Precisely.

10363. Mr. *William Henry Smith.*] Is there no distinction between the balls; are the affirmative and the negative balls of exactly the same character?—Yes; and in preparation for the election I believe the Government of Greece had 2,000,000 small bullets cast.

10364. Mr. *Cross.*] Are those ordinary leaden bullets?—Common leaden bullets.

10365. What security is there against a man taking bullets of his own and putting in half a dozen?—The very sharp eyes of the candidates' friends.

10366. Supposing he has them up his sleeve, with a little legerdemain he might drop in a dozen I presume?—It would be found out at the scrutiny. He must act in exactly the same manner at each ballot-box, for there should be the same number of balls in each ballot-box.

10367. Supposing he puts in six in each ballot-box instead of one?—He must be an excessively clever man who could carry 180 bullets up his sleeve; to deliver six bullets at each of the 30 ballot-boxes, I think it would be impossible.

10368. Mr. *Villiers.*] By this system nobody can know how he votes, no friend of his can be certain how he will vote?—Absolutely impossible.

10369. What did you observe with respect to the security taken that there should be no foul play afterwards by the persons examining the contents of the boxes?—The boxes are carefully watched by appointed friends of the candidates, and after the election has terminated the bullets are counted in their presence.

10370. Who counts them; what is the process of clearing the boxes?—I did not observe the counting, but I believe it is done upon frames with sunken holes like a bagatelle board, containing a certain number, say 500, and when one frame is filled it shows that 500 bullets have been given in favour of or against a candidate.

10371. This being all done in the presence of the friends of the candidates, there cannot be any fraud practised?—Independently of that, the total number in each box should be the same, and that renders fraud excessively difficult.

10372. Do you know anything about the practice before they adopted the ballot, or have they always had it?—I am not aware of the previous practice.

10373. Did you observe anything of the state of Athens itself during the election?—The order of the city was surprising; there was not the slightest appearance of commotion, not the slightest interruption to the business of the city, and I may be permitted to say, that political excitement there runs to a height quite unknown in England.

10374. They are very excitable; do they take a deep interest in politics?—I have been some time in Ireland, and I should say that the Greeks are more excitable than any people in the United Kingdom, and take a far greater interest, down to the lowest of the population, in all political questions.

10375. In point of fact, they are at times aroused to acts of violence more readily than other people?—Yes; in 1863 there was fighting in the streets; many persons were killed in the then state of excitement upon political questions.

10376. But, owing to the system of taking the vote by ballot, just at a critical moment of an election, they are most quiet and peaceable?—Yes; and, in my opinion, entirely owing to that system of taking the ballot, because although the questions at issue in Greece at that time were the most exciting that could possibly arouse the feeling of the nation, there was perfect calm and quiet in the streets.

10377. But there is not, I believe, the most perfect purity prevailing in general upon the subject of the elections?—Certainly not; but the faults that are so very plainly observable in the political system of Greece are, in my judgment,

Mr. *A. Arnold.*

25 June 1869.

ment, testimonies to the excellence of this system of voting.

10378. Owing to the peculiar character at present of the people?—Owing to the excitable character of the people, to the rapacity of some of the politicians, and to the excessive warmth with which they press their interests.

10379. Are the members paid?—About 70*l.* a year.

10380. When they get into the Chamber, do they profit by it in any way, by patronage, for instance?—So it is said.

10381. And by occupying places in the Government?—The offices in the Government are salaried.

10382. But there is a great desire, is there not, to obtain places in the Government?—Quite so, for the emoluments that are legitimately obtained.

10383. And, therefore, the contests are very eager?—Excessively so.

10384. But is it the ordinary proportion of candidates, where there are five to be elected, that 30 men appear?—I think that in excess of the average.

10385. Did you speak then merely of the district of Attica, or were you speaking of the whole country?—With regard to the 30 candidates, I was speaking of the district of Attica.

10386. Did you observe, or did you hear, of any mischief that followed upon this system?—No mischief could follow from the system, but I heard of excesses having been committed in some parts of the country, which arise solely from the disordered condition of Greece, and would be quite impossible in a State where the predominance of law was asserted in every part of the country.

10387. Therefore, in those respects, they were at a disadvantage, which would not apply to a country like this?—Certainly. The only cases to which I can refer of the ball ballot having been tampered with in Greece, are such as this; a man may keep voters from the ballot with a band of brigands, but such a barefaced act would, of course, be quite impossible in any better ordered country than Greece.

10388. Have you ever had any opportunity of observing the card ballot in operation?—No.

10389. Have you ever considered its operation from what you have heard of it?—Yes.

10390. Do you know anything about the system at New York?—Yes. But it seems to me, that no one will have confidence where they have to use pen and ink, and that secrecy cannot be secured where the use of pen and ink is necessary.

10391. Do you mean that it could not be secured, or that people would still be suspicious of it?—That people will still be suspicious of it, and that it could not be in fact secured.

10392. In this case, with the ball ballot, you think it not only would be safe, but nobody would suspect it, and people would have the greatest confidence in its being secret?—Certainly.

10393. Was there much canvassing in Greece at the time of the election?—There were no placards in the streets, but I believe there was solicitation.

10394. They were not afraid of canvassing, because the vote was secret?—Not the least.

10395. A person did not give up all hope of securing a voter because his vote would be given in secret?—It was impossible for him to discover how the vote was given.

10396. But still he puts himself forward and solicits the votes, as far as he can, by proclaiming his opinions and prepossessing the voters?—Yes.

10397. Do they seem to be very intelligent people?—Very highly so.

10398. Although you have been speaking of people who could neither read nor write, still you believe that they are people of great intelligence?—Very great natural intelligence.

10399. And you think that it would be rather difficult to practice any fraud upon those occasions with such people?—Very dangerous.

10400. Did you attend the chamber after it was elected?—No.

10401. Do you know what class of persons are generally chosen?—The majority are landed proprietors, with a few soldiers, and one or two journalists.

10402. But there was nothing in the condition of the people so chosen that would lead you to suppose that their choice was worse in consequence of the ballot?—By no means.

10403. Did persons of great literary acquirements, or persons of learning, put themselves forward as candidates?—There were two professors, I think, candidates at Athens; but at Athens, as there are 40 ex-ministers, they generally compose the candidature, and as the cabinet only contains eight, the process is rather warm.

10404. Did you happen to hear what was the average duration of governments there?—There have been 16 since King George's accession; therefore I should imagine it was exceedingly brief.

10405. I suppose that gives every man a chance?—I presume so.

10406. Are they looked upon with respect by the public?—I think the influence of the chamber is very useful.

10407. Do you think that it fairly represents the public?—Yes, very fairly.

10408. Has there been any canvassing allowed, or any nomination of candidates at Athens?—The system of nomination, so far as I understand it, is one to which I should particularly like to draw the attention of the Committee; for I think it most admirable and available in better regulated communities. The candidature is arranged by a compulsory requisition; and each person, in order to qualify himself to become a candidate at the ballot, has to present to an official, answering to our returning officer, a requisition signed by a limited proportion of the electors of the particular district, say, where there was one seat vacant, the requisition should be signed by 1-20th part of the electoral body; that requisition qualifies the person receiving it to become a candidate at the ballot, and without it he would not be admitted to the ballot.

10409. Then he is a candidate, and there is no further nomination?—No further nomination.

10410. What steps does he take to declare himself as a candidate; does he make it known in any public address, or by any other public means?—He may use any means, within the law, he pleases to make his desire to be a candidate known to the electors, by the publication of addresses, by speeches, or by personal solicitation.

10411. But that is the form of nomination there, which corresponds with what takes place here, where a man is formally proposed at the hustings?—It answers precisely to our system of nomination election at the hustings prior to the poll.

10412. Without any riot, disturbance, or expense?—Yes; without either.

10413. Sir *George Grey.*] Do those 1-20th electors sign their names to the requisition?—They must sign their names, and the requisition with their names attached would be made public and posted.

10414. Then it is no secret as to how those 1-20th will vote afterwards?—Not the slightest.

10415. Mr. *Villiers.*] That is if they vote as they profess to do?—Yes.

10416. You think that that system would be suitable to a much better regulated community than Greece; do you think that it would be applicable here?—I think it would be admirably suitable here.

10417. Would you have the same number of electors for every constituency?—I would propose here that in place of our present system of nomination and election at the hustings, there should be substituted a compulsory requisition, to be presented to the returning officer as a qualification for the candidate to proceed to the poll; then if the number of requisitions presented only equalled the number of seats vacant, there would be no ballot.

10418. But what proportion of the constituents would you fix upon as proper to sign the requisition?—I think in respect of one seat 1-20th portion of the electors would be a fair amount; 1-40th in a constituency returning two members; and so on.

10419. Whether a constituency is large or small, would you fix upon that proportion?—As I hold an opinion favourable to the equalisation of constituencies, it might be difficult for me to answer; but certainly, with regard to the present constituencies, I would say that the 1-20th should hold good in every case where one Member was returned.

10420. Sir *George Grey.*] Would you require 1-20th of the constituency of Liverpool, which is between 40,000 and 50,000, to sign a requisition before a man could stand?—There it would be 1-60th; it would be a much more simple process than going to the hustings, and I believe it would answer.

10421. Mr. *Villiers.*] Perhaps you have heard of very vexatious instances of nominations at elections now, of persons presenting themselves as candidates who are not in earnest, and who have put persons to very great expense in preparing for a contest?—I look upon that as one of the advantages of this system, that it would entirely prevent such unfair nominations.

10422. Have you heard of such things as this having occurred in this country, that a man will put forward his address, and give notice to the returning officer that he intends to contest the seat, and put the sitting Member to enormous expense in retaining agents, and constructing polling places, and then that he will either retire, or satisfy himself with making a speech?—I have heard of such things as that.

10423. You consider that that is a great abuse?—Yes.

10424. And it is open, is it not, to this further abuse, that a man would say that he would do it if he did not receive a sum of money?—Yes.

10425. You think the plan which you now suggest would entirely preclude that?—Yes; I think so.

10426. Sir *George Grey.*] Would not it also involve this, that 1-20th portion of a constituency like Liverpool would have to affix their names to a requisition, which would be tantamount to open voting, and would, as to them, entirely supersede the secret ballot?—I do not think so; but I did not intend to say that the number of voters signing the requisition in Greece was 1-20th part of the constituency.

10427. You recommended, as I understood, that 1-20th of the existing constituency should sign a requisition to qualify a man to be elected?—The number signing the requisition might be determined, of course, subject to what was thought the best number, but whatever figure was fixed upon it would limit the number of possible candidates.

10428. Whatever number was fixed upon, would not that, in respect of the person signing the requisition, involve open voting, and do away with the advantage, whatever it may be, of the ballot?—It would involve a declaration of their principles.

10429. Mr. *Villiers.*] Have you any suggestion to make as to the adoption of the ballot in this country from anything that you have seen or heard?—I wish to observe, with reference to the machine for ball voting, which I think Sir Charles Wentworth Dilke spoke of, that I have also myself inspected that machine, invented by a very intelligent man, a Mr. Vassie, a shoemaker. I have inspected that machine, and I am of opinion that it is far too complicated, and that no system of ball voting which returns the ball, and does not deposit and retain the ball in respect of each voter, is of any value. That machine appears to me to be constructed on the principle of a gasmeter, and it registers the units, tens, hundreds, thousands, and so on, precisely upon the same principle, and the objection to it appears to me to be that people would have no faith in a complicated, and possibly derangeable, machinery.

10430. Sir *Michael Hicks Beach.*] On the matter of requisitions, on which you have spoken, is there any canvass for signatures to those requisitions in Greece?—I presume there is.

10431. Then persons who might be unwilling to sign the requisition in favour of a particular candidate might be compelled to do so, might they not?—Certainly.

10432. And might afterwards feel unwilling to act a practical lie by voting against their signature?—That would rest with themselves.

10433. Still the compulsion under this system of requistion remains?—The power of compulsion and intimidation to sign the requisition would remain, but as to the proportion, it might be found desirable to adopt a still smaller proportion, which would obviate objection to a very considerable extent.

10434. Is there not a moral compulsion on a man after he had signed a requisition to vote in accordance with his signature?—Yes, I think so.

10435. Then there still exists of course a proportion of requisitionists, and if you diminish that proportion you make it of less value as regards the nomination of the candidate?—The whole

Mr. *A. Arnold.*

25 June 1869.

whole process of election would be very much simplified by the adoption of the requisition.

10436. I think you say that in Greece the proportion is 1-20th of the total constituency?—I am not aware of the precise figure; possibly as in Athens there were 30 candidates it was 1-30th; it might have been so.

10437. Am I to understand that the requisitionists must be in proportion to the number of candidates?—It must be obvious that the number of candidates could not exceed the number of requisitions. If 1-30th part of the electors must sign the requisition to qualify a man to be a candidate there cannot be more than 30 candidates.

10438. But there might be fewer?—Yes, there might be fewer.

10439. Supposing there to be only 20 candidates, what is the actual number that qualifies a candidate?—I suggested that it should be in respect of one seat 1-20th.

10440. Is that the fact in Greece?—I am not aware of the precise figure.

10441. What is the qualification of a voter?—He must be 20 years of age.

10442. Is there any regulation as to residence or property?—I believe that the candidates and the voters must all be resident in the eparchy, in respect of which they vote.

10443. For how long?—I am not aware of the time.

10444. Is there any property qualification?—None whatever, I believe, except citizenship.

10445. Is there any registration of voters made beforehand?—I saw each voter advance and submit his claim to examination in the books, so I presume there must be.

10446. At the polling-booth before putting the balls in the box he is identified?—Certainly.

10447. Is there any possibility of his vote being subjected to a scrutiny after he has given it?—None, except that the total number of balls in each box should be equal, and therefore if it were found that they were not so upon a scrutiny, the election might be declared void.

10448. Do you mean that if more were found, or less were found than the proper number, the election would be declared void?—It would be quite evident that some voter had not voted in accordance with his duty.

10449. As to particular votes, of course no scrutiny is possible?—None.

10450. Does any corruption prevail in the elections in Greece?—I am not aware of any. As it is absolutely impossible to know how a man has voted, I should presume that there was very little opening for corruption.

10451. Are no corrupt inducements held out to men to sign requisitions?—I am not aware. I do not know. I have not heard of anything of the sort.

10452. Sir *George Grey.*] Do you know whether there was a general impression that there was corruption at elections, and that bribery did take place?—I heard of cases as so gross as would be impossible to occur in this community; for instance, the one which I have recently mentioned to the Committee, but only of such.

10453. Sir *Michael Hicks Beach.*] But you did hear of certain cases?—I heard of a mayor in the island of Eubœa who had taken the liberty of filling with earth the side of the ballot box which was against his candidate. I do not suppose such an event could possibly occur in England, but I am quite aware that thus the Greek system of ballot is discredited.

10454. Sir *George Grey.*] Is there a general impression that elections are pure as between the candidate and the voters, or that recourse is had to corrupt practices?—Undoubtedly; at Missolonghi the candidate was carried in the teeth of opposition, such as was thought insuperable by politicians in Athens, and it was attributed to that system.

10455. Is there an impression in Attica that the electors generally are pure, or that any corrupt practices are had recourse to by the candidates to obtain their election?—The general impression in the country, in my opinion is, that the elections are pure.

10456. Sir *Michael Hicks Beach.*] But the returning officers in the state of society which prevails in Greece, are liable to corruption, are they not?—On the remote island of which I speak, to which access from Athens is impossible under two days, although the distance to be traversed is not as far as from London to Birmingham, it is obviously difficult for the Government to control the actions of their petty officers.

10457. But is not the state of society in Greece generally very corrupt?—I think it is more lawless than corrupt.

10458. Among some members of those 16 governments of whom you have spoken, and among their supporters, is not their feeling with regard to politics, rather one of personal gain than the advantages of their country?—I am afraid it is very much so.

10459. Do not you think it possible that under such a state of things, it might be easy for a candidate to corrupt the returning officer in that corrupt constituency?—The returning officer is so closely watched by the friends of the candidates that it would be useless.

10460. In spite of all the natural cleverness of which you have told the Committee, the returning officer would find it impossible you think to avoid observation?—I cannot see how it would be possible for him to falsify the ballot.

10461. Have you known any other instance besides those of which you have spoken?—None.

10462. Mr. *James.*] What is the largest number of the constituency you have seen vote with this for and against system?—The population was about 50,000, but I am not aware of the number of adult males in the population.

10463. Being manhood suffrage, you would of course have a considerable proportion of electors; did they all vote at one set of ballot-boxes, or were there different receptacles?—In Athens there were four polling places, and a ballot-box for each candidate in each polling place.

10464. Suppose a case where there were only two candidates, as there were in many constituencies in England, if a person went to ballot box A, and chose to put five balls for one candidate, and five against another, the number would correspond?—He would only be offered one ball; and if there were only two candidates, he would only have two balls.

10465. In the case that you put, in Athens, the balls being only ordinary bullets, what is there to prevent a man putting his hand in the funnel, and putting in two in one side of the box?—To affect the election he must put precisely the same number into each of the boxes. If there were two candidates, he would have one ball

ball given him for the box of each candidate. Do I understand the honourable Member to suggest, that if he were a conjuror he could carry two balls up each sleeve, and would be able to deposit two balls in each box?

10466. Conjuror or not, a person might put two balls up his sleeve; he might put two in the affirmative for A, and two in the negative for B, which would correspond?—I do not think, from the excessive watchfulness of the candidates, that such a conjuring trick would be possible.

10467. Supposing that were done, and the votes did not correspond, what would happen?—The election might then be declared void.

10468. Are you aware whether it is so?—I am not.

10469. You are not aware that if any irregularity is found, the whole proceeding is done through again?—I am not aware that that is so, but I think it might be so.

10470. Mr. *William Henry Smith.*] Is it possible that a large constituency could be polled so as to ensure the result that every one of those balls should be put in the right place?—Yes, of course.

10471. Mr. *Villiers.*] I suppose that if people were discovered generally to be carrying balls in their sleeve, they might be required to pull up their sleeve before they voted, and to put in their arm without their coat?—I should think so.

10472. *Chairman.*] The check, as I understand it, is that the total number of the balls in each box must be the same?—Yes.

10473. Supposing a person puts his hand in the funnell, but does not vote at all, but takes the ball away in his hand, that would vitiate it, would it not?—But of course he must open his hand to receive the ball for the next candidate from the attendant.

10474. Do not you think it possible to suggest to people who know a little of legerdemain to get rid of a single bullet?—I think it is more easy to suggest than to carry it out.

10475. Mr. *Locke.*] Supposing that there are two candidates for one seat, you say you vote for both?—You put a ball into each box, giving a "No" to one, and a "Yes" to the other, if you vote fairly.

10476. Is there any expense attending elections in Greece?—I asked three candidates in Athens what was their expenditure, and they told me that it varied from about 50 *l.* to a few hundreds in the most extreme extravagant cases.

10477. How many voters were there?—The population was 50,000, but the adult males only vote.

10478. Do the voters live at any distance from the polling place?—In Greece the poll is kept open for four days, owing to the difficulty of access to the polling place; that of course would be quite unnecessary here.

10479. Must they pay their own expenses to come up?—I am not aware.

10480. Do not you know whether the candidates pay the expenses of the elections?—As there is no public means of conveyance, I should imagine that they do not; and there is no convenience of approach by private conveyance.

10481. Mr. *Leatham.*] A great number of the population of Greece carry arms, do they not?—Yes.

10482. They have no very great hesitation in using them?—According to common report, that is so.

10483. Is it your opinion, therefore, that, if they had not the ballot, in so inflammable a population they probably would have bloodshed at elections?—If the election that I witnessed had been conducted on the English system, I have no question of a doubt there would have been bloodshed in the streets.

10484. Mr. *Villiers.*] It is peculiarly on politics that they are so exciteable?—Peculiarly; I believe that the number of journals in Athens, where the papers are generally of a peculiarly exciteable character, exceeds the number of daily papers in this metropolis.

10485. Generally speaking, they are commercial in their character?—I think more political; the commerce of Athens is politics.

10486. Sir *George Grey.*] Is the Government of the day supposed to exercise any influence upon elections?—It seems to me that it cannot, except by opinion.

10487. Are candidates anxious to obtain the support of the Government, with a view to their election?—Not generally, I think.

10488. Sometimes they do?—That depends upon the popularity of the ministry.

10489. But supposing that a minister is popular, and that a candidate stands as a supporter of his Government, does he derive any benefit from the influence of the minister upon his election?—I think he would in that case.

10490. What is the nature of the influence?—The popular feeling against Turkey would be the strongest influence that a candidate could have.

10491. But have the Government no power of exercising any other influence, in your opinion, upon the election?—None whatever.

10492. Mr. *James.*] Suppose 30 candidates were standing, 20 of them in supporting the Government and 10 in opposition, and say that only 10 were to be elected, what would prevent an elector giving 20 votes in the affirmative in favour of all the Government candidates, and 10 negatives against the opposition?—Directly the voter's hand is placed above the ballot box, the result rests entirely and solely with himself.

10493. Although he has only got to elect 10, and ought only to give 10 affirmative votes, why should he not give 20 to all the candidates of the Government?—If I understand you to mean that he should give 30 affirmative votes, that would of course neutralise it altogether.

10494. Say there are 10 to be elected, and there are 20 Conservative candidates and 10 Liberals, he says, "I will give 20 Conservative votes, although I ought only to give 10;" and he goes into the ballot room, and he gives 20 Conservative votes affirmatively, and 10 Liberal votes negatively; he does not care which of the 20 Conservatives are elected, so that some Conservatives are elected, and if he puts 20 balls for the Conservatives, and each elector does the same, he must get all the Conservatives elected?—But, if I understand you, you seem to intend to limit the action of the voter; it is left entirely with him; such an election would be perfectly fair.

10495. Being left with him, what is there to prevent every voter from voting for the whole of the 20 Conservative candidates on the one side, and voting against the 10 Liberals?—Nothing, I should presume.

10496. Then, how can it be a fair election?—I think it is perfectly fair.

10497. Sir *George Grey.*] What security is there

Mr. *A. Arnold.*

25 June 1869.

there in this system against the voter voting for more candidates than there are vacancies?—None whatever, except the intelligence of the voter.

10498. Mr. *James.*] And the purity of intention?—I presume that that is included in intelligence.

10499. Sir *Michael Hicks Beach.*] What was the proportion of the number of voters to the electors that you have spoken of in Athens who actually voted?—I am not aware.

10500. Do you know whether it was large or small?—My impression is that it was very large.

10501. Have you anything to say about afternoon bribery?—There appears to me to be no possibility of check against what is called afternoon bribery under the present system of election as conducted in England. I heard the last witness make some observations upon that matter, and it appears to me that nothing would repress the ardour of volunteers anxious to publish the state of the poll in the interests of the candidate to whom they are friendly. Under the system of open voting, it is practically impossible to prevent a knowledge of the state of the poll from transpiring during the afternoon.

10502. Mr. *Villiers.*] Do I understand you to say that under the ballot it would be known what the state of the poll was in the afternoon?—No, it would not be possible in the case that has been suggested; under the system of open voting the voters might all be counted at the door, and they would not have the slightest objection to proclaim how they were going to vote as they went in.

10503. Mr. *Cross.*] No more they might under the ballot?—But no one would have security for the redemption of their pledge.

10504. *Chairman.*] I understood you to say that the polling in Greece continued four days; in whose custody are the ballot-boxes during this time?—They were sealed every night in the presence of the friends of the candidates, and deposited in their custody, and those whom they chose to appoint under the supervision of the returning officer.

10505. Practically, where were they kept?—Practically, they were kept in the churches, which were used as polling places, carefully sealed, and all bound together with an iron rod, which confined the whole of the 30 boxes.

10506. Mr. *Villiers.*] Do the priests interfere at all with the voting, seeing that it takes place in the churches?—Not at all.

10507. Do they not use any political influence over the people?—The priests have not the slightest apparent influence in the elections in Greece.

10508. Have they any influence?—I should imagine, from their position in society and their general reputation, none whatever.

10509. Sir *George Grey.*] Can you state by whom the returning officer is appointed?—I believe by the commune; there is an eparch appointed by the Government over the electoral divisions; and demarch over the municipal divisions.

10510. Does that eparch act as returning officer?—I believe he does.

10511. Is he removable by the Government also?—I am not aware.

Tuesday, 29th June 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Bright.
Mr. Cross.
Mr. Edward Egerton.
Mr. Graves.
Sir George Grey.
Mr. Gathorne Hardy.
The Marquis of Hartington.
Sir Frederick Heygate.
Mr. Staveley Hill.
Mr. Hunt.
Mr. James.
Mr. Leatham.
Mr. Locke.
The O'Conor Don.
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE RIGHT HON. THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Sir SAMUEL MARTIN, Knight, called in; and Examined.

Sir *S. Martin*, Knight.

29 June 1869.

10512. *Chairman.*] I BELIEVE you were one of the Judges occupied in the trial of election petitions under the Corrupt Practices Act of last year?—I was.

10513. How many petitions did you try?—I tried 13. I tried the petition at Norwich, both the Bradford petitions, Warrington, Cheltenham, Westminster, Salford, Wigan, Beverley, King's Lynn, Dover, Brecon, and the southern division of the West Riding.

10514. Have you formed any opinion as to the amount of corrupt practices which existed at the late election?—I have formed a very decided opinion that the general impression with regard to bribery is exaggerated, judging from the cases that I tried. I believe that bribery only existed to any considerable extent in two places. It was supposed that there was a great deal of bribery at a third, but that was not gone into, because there was a very clear case of bribery proved at the commencement of the trial; and thereupon the counsel for the sitting Member abandoned the seat; but with the exception of those three places, I believe bribery did not exist to any great extent, at least, on behalf of those persons whose conduct was impugned. I cannot tell what it was with regard to the other side, but with regard to the cases where the seats were impeached, I think there was very little bribery indeed.

10515. Was bribery imputed in every case?—I think it was in every case, but in a very great number of cases the charge was perfectly ridiculous.

10516. Could you mention in how many cases out of the 13 the Member was seated or unseated?—The Member was unseated at Norwich, and at Bradford, and at Brecon, and the two Members were unseated at Beverley.

10517. Sir *George Grey.*] Then the petitions succeeded in five cases out of 13?—Yes.

10518. *Chairman.*] To go on to the prevalence of corrupt practices, did much treating appear to have prevailed?—At some places to a great extent; I am satisfied that at Norwich, from half-past 12 or 1 o'clock, to the close of the poll, there was a great deal of treating and of drink supplied, but whether by the keepers of the public-houses themselves in the expectation of being paid out of the bribes, or by others, I cannot tell; I had no means of telling where the money came from that was used in corrupt practices at Norwich. With respect to Bradford the treating was enormous. A statement handed to me by Mr. Littler, who was one of the counsel for Mr. Ripley, was that there were 158 public-houses opened by that party; that at 43 of them there were no refreshments supplied, but that there were 115 at which refreshments were supplied.

10519. Was that on the election, or the polling-day, or had it been going on previously?—It had been going on for a considerable time, and of the expenses of that election no accounts were sent in at all. They were all kept back, but the admitted expense of Mr. Ripley's election was 7,200 *l.* odd.

10520. Did it appear how much of that 7,000 *l.* had been expended in drinking?—No, but I had no reason to suppose that the expenditure was in bribery. There was no attempt to impeach Mr. Ripley's seat upon the ground of bribery. By bribery, I mean paying for the votes. There was an attempt to impeach Mr. Forster's seat upon the ground that he had bribed, but the alleged bribery was absurd. There had been a man, who was a voter, and who had been out of work for months, and some gentlemen went to his house to canvass him on behalf of Mr. Forster, and there saw a wretched, miserable woman, in a state of starvation, with a family of children, and the alleged bribery was that a gentleman gave a child 2 *s.* 6 *d.* as he was going out of the room. Another case was that of a man who had gone to live at Leeds, and some friend of his saw him after he had come to Bradford for the purpose of voting, and it seems that he had paid 2 *s.* for a third-class ticket; and the man, thinking that he had come by a second-class train, gave him 2 *s.* 6 *d.* That was the second case, and the third failed utterly, which was with respect to a man who was supposed to have been bribed with money to pay his rent.

Sir *S. Martin*, Knight.

29 June 1869.

rent. There were only these three cases brought forward against Mr. Forster, and if there had been any case that could possibly have been established against him, neither pains nor expense would have been spared to have brought it forward.

10521. Did it appear that drinking to anything like the same extent had prevailed in any other borough?—There was a great deal of drinking, as I have said, at Norwich. I think that the Salford election was conducted upon the principle of spending a good deal of money, and I think that there was a good deal of drinking at Salford upon the polling day; I mean public-house drinking. In many cases it was alleged that the money to pay for the drink was the elector's own. There was one case which I ought to mention, and that was Wigan. The petition there was against the successful candidates, who were Liberals, and I can only speak with regard to the charges brought against them; but that seemed to be a singularly pure election, so pure that they would not have any committee sitting in a public-house. Upon the day of the polling it was found necessary to have one in the immediate vicinity of some of the polling places; they could get no other place except a public-house, and they paid 10*l.* to shut up the supply of beer altogether and stop it. They paid for having no beer supplied to any one at the house.

10522. In the cases where you found that such treating had prevailed as to induce you to void the election, did it appear to you to have gone on on both sides?—At Norwich it certainly had not. I think that Norwich was a particularly pure election on behalf of the candidate who was defeated. I apprehend that he was a man of not very great means, but he was examined, and stated that he had not in any way, either directly or indirectly, given drink to any one. The Norwich election was, up to 12 o'clock, a perfectly pure election; and I believe that the electors voted upon as honourable and pure principles as people could vote, but that at that time the Liberal party were in a great majority, and the bribery and the treating commenced then. The candidate declared, and so did the chairman of his committee, and the attorney who managed the election, that they were utterly ignorant of it, and I have no doubt they were telling the truth. They said that they knew nothing whatever of it, and that they did not know where the money came from which supplied it. It was proved that there was a considerable quantity of bribing in small sums of 7*s.* 6*d.*, 15*s.*, and, in a very few instances, 1*l.*, to labouring men who had been hanging about the whole morning, I have no doubt, in order to be bribed.

10523. Did you ascertain in all cases what had been the expenditure of the candidates?—In all cases what was said to be the expenditure.

10524. Did those expenses in general agree with the official returns which had been made?—I have misunderstood the question; I merely ascertained, as far as the information was given me, but I had no means of ascertaining what money was paid beyond that which was returned to the returning officer. I think I may as well explain to the Committee how the cases were conducted. There are two modes of attacking a seat: one is, that the election was conducted contrary to the principles of common law; that was the Beverley case, general corruption pervading a large number of electors. At Beverley many, professedly, were bribed for the purpose of the municipal election, but in reality for the Parliamentary election as well; that was the only case of the kind which came before me where an election was alleged to be void upon the principles of the common law; that the elective body was so corrupt that no election made by them could be valid, this has always been held an objection to an election from the earliest time. At Salford a matter arose, upon which if it had been sufficiently proved, I would have raised a question for the opinion of the Court of Common Pleas; that is to say, where candidates who avoided doing acts which the Legislature had declared to avoid the seat, did other things which were contrary to law, although the Act of Parliament did not enact that these things forfeited the seat; whether or not a person systematically disobeying the law, and acting not merely in one instance, but in a variety of instances, against the provisions of the Acts of Parliament, did not thereby forfeit the seat; but it did not seem to me that the facts were sufficiently established. With regard to all the other cases, the question was, whether the Member or any person for whom he was responsible, had done an act which the three sections of the Act of Parliament declared to avoid the election; whether he had committed an act contrary to the 2nd section of the 17th & 18th of Victoria with respect to bribery, or under the 4th section he had corruptly treated, or within the 5th section he had used undue influence; in the great majority of cases it was simply whether or not the candidate, or a person for whom he was responsible, had transgressed one or other of these sections of this Act of Parliament.

10525. Sir *George Grey.*] Do you mean that if it was proved that a candidate had committed some acts which were illegal, and subjected him, on conviction, to penalties, the judge, on the trial of the election petition, could take no notice of it unless it was an act which vacates the seat?—I think, certainly, that the mere doing of an act which the Act of Parliament declares to be subject to a penalty, but does not declare to affect the seat, could not by possibility affect the seat, it would be contrary to the Act of Parliament so to hold.

10526. Do you mean that the judge could take no notice of it?—Yes, he might take notice of it, upon a scrutiny, so as to strike off the vote; but he could not legally declare a man not legally elected by reason of it. I apprehend that to do that there must be an express enactment of the Legislature, and the judge could not, by reason of a candidate committing an act upon which the Legislature had merely imposed a penalty, say that the doing of that act shall also impose the forfeiture of the seat; it would be contrary to law, I think.

10527. *Chairman.*] Did any cases come under your notice in which it appeared that illegal acts had been committed, but where they could not be brought home to the Member through the want of proof of agency?—Not to any extent. The only case that I remember where that arose, was in the Westminster case. In Westminster there was a body called the Working Men's Constitutional Association, and they came forward to aid Mr. Smith in the election; but they had a distinct set of canvassers for themselves, wholly distinct from Mr. Smith's, and it was there proved, at least there was evidence given, that an individual

vidual had bribed in three instances. He contradicted it; but it seemed to me that there was a failure to make this man an agent of Mr. Smith's, so as to affect Mr. Smith by his conduct.

10528. Mr. *Villiers.*] He was a supporter of Mr. Smith, was he not?—Yes, he was a supporter; he was a supporter, but not an agent.

10529. But he acted for Mr. Smith in this illegal way with a view to promote his election?—He acted for him with a view to support his interest, but in my judgment he was not an agent of Mr. Smith's to affect Mr. Smith's seat.

10530. *Chairman.*] The expenditure at that election was very large, was it not?—Yes, the expense of the election was enormous, very nearly 9,000 *l.* I think it was most extravagant.

10531. And yet the petitioners were unable to prove any corrupt practice?—I believe myself that my judgment was right, and I retain the same opinion, although I know that others have formed a different opinion. The expenses of that election were nearly 9,000 *l.* The expenses which Mr. Smith knew of upon the day of the election were about 4,500 *l.*, and an additional 4,500 *l.* was an after expense upon Mr. Smith. I believe that Mr. Smith was desirous that no illegal expense should be incurred in the way either of bribery or treating, or any undue influence used; but I think he was a man who was esteemed to be a rich man; and very ready to supply money. Whether or not he would spend the same sum of money over again may be doubtful; but I believe that it was not an intended illegal expenditure; my own opinion is that he was robbed, to a considerable extent in that election, by agents.

10532. Mr. *Villiers.*] He paid the whole sum, did he not?—Yes, he paid the whole without objection.

10533. Was it proved before you that he met the whole expense?—Yes, there was no doubt about it that he paid the whole of it himself out of his own funds. I do not believe that he had any aid whatever, but I suspect he was much dissatisfied when such a large sum as 4,500 *l.* was sent in for him to pay after the election was over.

10534. He therefore admitted his liability?—Yes, he paid it.

10535. *Chairman.*] Have you formed any opinion of whether the fact of so large an expenditure as took place, for instance, in Westminster, might be made a ground for unseating a Member independently of any particular act?—Mr. Justice Willes and I have been talking over that matter this morning, and he has a strong opinion, as he stated to me, and which he probably will himself explain more fully to the Committee. I think it well worthy of consideration whether or not there should be an enactment that extravagant general expenditure, and I will limit it to that, should void the seat: whether 7,000 *l.* at Bradford, or 9,000 *l.* at Westminster should not of itself void the seat.

10536. Are the judges to decide whether the expenditure was or was not extravagant?—I have not considered that sufficiently. My Brother Willes suggests that the words should be reasonably and necessary, and not extravagant; but I would rather that you should take it from him than from me.

10537. You do not express an opinion upon that point?—I think that if I had had absolute despotic authority, and not merely the carrying out of the law, I would have unseated both Mr. Ripley and Mr. Smith for extravagant expenditure, although I do not believe either of those gentlemen was cognisant at the time that he was spending such an enormous sum of money.

10538. Mr. *Villiers.*] But the money was freely used?—Yes.

10539. *Chairman.*] Did any cases of intimidation or undue influence come under your notice?—Very few indeed, and I think they all failed. There was an attempt to prove undue influence, that is to say, that an employer endeavoured to influence workmen at King's Lynn, but it failed, and it scarcely occurred anywhere else, or in a very small degree.

10540. Were any attempts made to prove it?—Yes; there were attempts made to prove it at King's Lynn, and I dare say at other places that I have forgotten; but no case came before me where there was undue influence to any extent. I know there did before Mr. Justice Willes and Mr. Justice Blackburn, but there was nothing of that kind before me.

10541. Would it be a charge which there would be any special difficulty in proving?—I think there would be considerable difficulty in a judge making up his mind upon it. The case that came before me was that of a man who was a workman, and he stated that his employer came to him upon the polling day, and said to him, "Well, I hope you are going to vote for so and so," and he said, "No; I should rather vote on the other side," and then something to this effect was said, "You know you get your employment from me, you get your bread from me, and I think you ought to vote as I wish"; and then something would be said to him, "Well, if you do not it will be the worse for you," or something of that kind. I have no doubt that any judge who was called upon to unseat a Member by reason of intimidation of that sort would be very careful indeed before he would act upon it; it is so easy to misunderstand and misrepresent such a transaction, possibly it was misunderstood by the man, and very likely misrepresented by him. One can conceive of intimidation of a very gross kind, but nothing of that sort came before me.

10542. Mr. *Villiers.*] Was not there some evidence of that kind, in the case of Westminster, of customers seeking to influence tradespeople?—I am not aware that there was: I am not aware of a single instance. At Westminster there was alleged treating, and the principal case was at a public-house called the "Old Merlin's Cave." There were two brothers who gave evidence against Mr. Smith; two men who had been in his employ as canvassers, and they came forward to give evidence, and amongst other things, they gave evidence of alleged treating, at the "Merlin's Cave." It was proved clearly that the meeting at the "Merlin's Cave" was the meeting of a body of independent people who were of Mr. Smith's views in politics, and that he went there, and that the landlord, who was a very strong Conservative, upon Mr. Smith coming in, proposed cheers for him, and when he sat down immediately ordered champagne; and instead of Mr. Smith being the treater, he was the treated. The landlord ordered the champagne, Mr. Smith said he never was so annoyed in his life (and I believe he stated the truth); he drank half a glass of this champagne, and made a speech, and went out as soon as he could. The great case against Mr. Smith was the paying for boards

Sir *S. Martin*, Knight.

29 June 1869.

being exhibited at different houses in one division of Westminster, that next to Hyde Park. It was said that there were no buildings erecting and no old ones where they could put up placards. It was considered that the keeping of Mr. Smith's name before the electors of Westminster was essential, and thereupon they paid a number of persons for allowing boards to be put up at their shops, stating, "Smith for Westminster," or something of that kind. There was a payment of 7 *s.* 6 *d.* a week for the exhibition of those boards, and it was alleged that it was not a *bonâ fide* payment for exhibiting boards, but a colour for bribing the persons who were electors. That was the case which Mr. Fitzjames Stephen who was the counsel against Mr. Smith most strongly urged. It was proved by more than one person, but principally by Mr. Robert Grimstone, who was chairman there, and he stated in the most positive terms that a man could state, that he had no object whatever in bribing those persons; that it was an honest payment, and he believed that it was a proper sum. There was a great deal of evidence given that it was more than was usually paid, but if I had unseated Mr. Smith for it, I must have arrived at the conclusion that Mr. Grimstone was swearing what was false. It may have been an indiscreet thing his doing it; but I believe he was telling the truth as much as any gentleman in the room would tell it. He did a very indiscreet thing in the employment of a man named Edwards who was a tenant of his brother's at St. Albans, and who had been most deeply connected with the bribery at St. Albans, and that was very strongly commented upon. It certainly was a very indiscreet thing to do, but Mr. Grimstone doing this indiscreet thing with regard to Mr. Edwards, could not affect Mr. Smith's seat.

10543. *Chairman.*] Did there appear to be any general desire in the places which you visited, to put down the practices of bribery and corrupt practices in general?—I think there was a very general desire to do so. In a very great number of places it seemed to me that the candidates did their very utmost to prevent anything wrong. My impression is, that it was sincere in most cases. I had no reason to believe to the contrary; they declared, that they were utterly ignorant of the existence of illegal practices, and that it was their sincere desire that they should not take place.

10544. Did you hear of any cases, except the one which you have mentioned of bribery at municipal elections?—No; the only case where bribery at the municipal election was brought to bear upon the Parliamentary election was at Beverley. The municipal election was upon a Monday, and the nomination-day was that Monday fortnight; and upon the Monday of the municipal election, in two or three public-houses, there were persons openly sitting at a table with money before them, in bags, bribing persons to vote; and it was proved in many instances the men were told that they were bribed for the double event It was a very gross case. There was 800 *l.* borrowed from a bank by a man who was candidate for the municipal election. The money was borrowed on the Saturday, and used for bribery on the Monday; there was no concealment about it; any person might have gone in and got it.

10545. Mr. *Villiers.*] Who were the persons that paid the money; were they direct agents of the candidate?—They were persons who were connected with the candidate in the municipal election, and who were canvassers afterwards for the Parliamentary election.

10546. Were they distinct agents of the candidate?—The Committee probably know that there was a great agricultural implement maker, named Croskill, at Beverley, whose business went wrong, and it was converted into a limited company. Sir Henry Edwards was the chairman of this company, and the man who borrowed the money was a clerk in the concern.

10547. And you connect him in that way with the candidate?—Yes.

10548. Mr. *Hunt.*] I understand that in that case the Member was unseated upon a common law principle, that the whole election was corrupt?—Yes; that the whole election was corrupt.

10549. Therefore, it did not depend upon tracing the bribery to the agents?—Not at all; I unseated the Members there upon the general common law principle, which is, that if you have very general corruption among the electors, the law declares that an election made by those persons is void, and cannot stand.

10550. Mr. *Villiers.*] Do you consider the law perfectly clear with respect to agency?—I think that the law is perfectly clear with respect to agency upon a ground upon which we all agree. Mr. Justice Willes, Mr. Justice Blackburn, and myself met together before any of those petitions were heard; and I believe that Mr. Justice Willes had very carefully gone into all the previous Parliamentary cases upon the subject, and had taken a great deal of pains to inform himself about the views Parliamentary Committees had taken, and he stated to us what the law was as laid down by Parliamentary Committees.

10551. Mr. *Hunt.*] Was that put in the shape of a memorandum, or was it merely *vivâ voce*?—No; there was no record kept. It was a meeting amongst ourselves, where we agreed upon what we deemed to be the law, and determined, as far as we could, to act consistently upon it. I believe that we were perfectly agreed. There is the relation of master and servant, which is a perfectly well-known legal relation, and a master is responsible for the act of a servant done in the course of his employment. There is the well-known relation of principal and agent, and the ordinary rule with regard to that is, that the principal is only responsible for an act which the agent does by his authority. The Parliamentary law as to agency seems to me to treat the agent as a servant, and to make the principal responsible as a master would be for the act of his servant; and the word agency, as we use it in our courts, is not applicable to the relation which exists between a candidate and the persons whom he employs. Their acts were treated as acts of a workman or any other person for whom you were responsible, though you forbade him to do the very thing which he did do. If a master told his servant to drive in the most careful possible manner, and inculcated it upon him in the strongest possible way, and the man drove carelessly two minutes afterwards, the master is responsible, because of the relation of master and servant; but if it was a mere agency, the principal would not be responsible, unless the principal authorised the act which the agent did.

10552. Mr. *Villiers.*] That is the law, is it, in electioneering

electioneering matters?—In electioneering matters we held that the candidate was responsible for the act of the agent, in the same manner as he would be responsible for the act of a servant.

10553. It comes to this, that there was no difficulty in the case of agency; that you had agreed upon the law yourselves before you adjudicated upon those cases, and the question was not argued upon each occasion?—Not upon each occasion. I am rather sorry that instead of the judgments being printed alphabetically they had not been printed in the order in which they were delivered by each judge. If any person desired to ascertain our views with regard to the law they would find it pretty well set out in those judgments. If any person thought it worth while to see the view which I have taken, if they would begin by reading the Norwich election, and then proceed in the order in which I tried them, they would find my view. So far as I am aware, I have been consistent throughout; I have acted upon the same principle from beginning to end, and I am not aware of any departure in one case from what I have laid down in another. I know, from what took place in Parliament, that it was thought that I had acted inconsistently with respect to the Bradford case and the Westminster case, but I do not believe that if any person reads the judgments he will find any inconsistency; he will find that the two cases were substantially distinct.

10554. Mr. *Hunt.*] Do you take the law of elections to be this, that, supposing a candidate appointed a man an agent and took a written acknowledgment from that agent that he would spend no money in bribery as a condition of his employing him, and the man did spend money in bribery, do you consider that that candidate is responsible?—Certainly; upon our view of the law, we consider that the man, as I have told you, is more in the nature of a servant than of an agent, and an absolute prohibition to him to do a thing is of no avail; that is what appears to be the Parliamentary law.

10555. Mr. *Edward Egerton.*] But that is not a uniform principle?—It is contrary to our view in the courts of common law.

10556. But it is not uniform in Parliamentary Committees, is it?—Mr. Justice Willes examined it with great care. I dare say he would not find it universal in all Parliamentary Committees.

10557. Sir *George Grey.*] If a candidate employs an agent for a limited purpose, and that agent acts in his interest or on his behalf for other purposes, is the principal responsible?—I should think not, certainly.

10558. Therefore a candidate may protect himself by appointing an agent to do some particular work?—I have no doubt he can. My Brother Willes suggests to me that he would be responsible for what he did in the course of that employment, whether it was contrary to the orders of his principal or not, but the principal would not be responsible for what he did in another employment or another matter wholly distinct from that in which he was employed.

10559. Suppose an agent were appointed to make arrangements as to polling-booths, and the agent was guilty of bribery, would the candidate be responsible for an act of bribery by that agent?—I think not, if he simply retained him to make arrangements with respect to polling-booths; he would have employed the man for that duty, and with respect to bribery, the principal would have nothing to do with it.

10560. Mr. *Edward Egerton.*] If he gave him general orders to conduct the election, at the same time telling him not to do anything illegal, surely the principal would not be held liable in that case?—According to our view, he certainly would; we hold him liable.

10561. *Chairman.*] Did you find any general opinion on the subject of nominations?—Yes. I think the universal opinion is that nominations are worthless, or probably do harm; as far as I can judge, that was the universal opinion of everyone.

10562. Had you any facts proved before you, which led you to trace the disorder at elections to the public nomination?—I cannot say that I had. I think in two of the cases tried before me there were hired men. At Cheltenham there were people hired from Birmingham, coming over for the professed purpose of enabling the persons who employed them to get their voters up to the poll, but I did not find anything of that kind; there did not appear, if I recollect rightly, any rioting at nominations.

10563. In what way did this general opinion come before you?—Generally from the mayors, who usually sat beside me during the inquiries, and I learnt from them what was the general opinion in the boroughs with regard to several things, and amongst others, with respect to the nomination, and it seemed to me that the universal opinion was that the nomination was utterly useless.

10564. Sir *George Grey.*] What were the grounds of that opinion?—That it was a means of giving drink, and of exercising undue influence upon that day, by getting people into public-houses; they all stated that they saw no good whatever from it, and that if two or three days before the election the persons who were to be the candidates issued a statement, and I suppose deposited the necessary sum of money for the purpose of meeting the expense of the poll, that would answer every purpose and avoid a great deal of inconvenience, but I think the principal objection was to the opening of the public-houses, and the quantity of drinking that went on upon the nomination day in them.

10565. Then if the public-houses in a borough were closed on the nomination day the objection, you think, would be removed?—I gather so.

10566. *Chairman.*] Have you also formed a strong opinion that the public-houses ought to be closed on the day of the polling?—I have a very strong opinion indeed that the public-houses ought to be closed on the day of the polling. I think the quantity of drink on the day of polling, and the state in which many voters were alleged to have come up to vote was perfectly scandalous; they were so drunk in two or three cases that they did not know who they came to vote for. In one case, at Norwich, the voter would insist upon voting for Patterson and Steward, the brewers there.

10567. Then you would be in favour of closing the public-houses on the day of the poll?—Yes.

10568. Would you extend the prohibition any further?—No, I would not; I would close the public-houses from the morning of the polling day till four o'clock.

10569. Mr. *Hunt.*] Do you mean in boroughs simply, or in county elections also?—My only experience

Sir *S. Martin*, Knight.

29 June 1869.

experience of county elections was in the southern division of the West Riding, and that was settled.

10570. Does your recommendation extend only to boroughs?—I am only speaking of boroughs; my experience in counties was merely in the southern division of the West Riding, and my inquiry there was confined to a very small compass; therefore I can say very little about it.

10571. Mr. *Edward Egerton.*] But in that case the petition was for treating, was it not?—It was for everything; for bribery, and treating, and undue influence.

10572. The evidence was directed to treating, was it not?—Not exactly: the course which it took was this: the petition against Lord Milton was abandoned, and then it stood as a scrutiny between Mr. Stanhope and Mr. Beaumont. But by a provision in the Act of Parliament where a man petitions for the seat, he is open to the same objection as if he he had been a successful candidate; and the counsel for Mr. Beaumont undertook to show that Mr. Stanhope or his agents had committed acts which rendered him incapable of being elected, and proceeded with it for some time, and made out rather a strong case; especially with respect to a man who had been locked up and kept from voting all the day. There was also a rather strongish case, as it seemed to me, against him with regard to paying the railway expenses of some voters from a place near Sheffield who wished to go into Sheffield fair on the day of the election. That being the case, Mr. Stanhope in all probability could not have got the seat, and if they had gone into a scrutiny, there being 19,000 electors, and the majority only eight, it would probably have led to a most enormous expense, they, therefore, thought it better to settle it, and that petition was not tried out.

10573. Sir *George Grey.*] Had you any evidence before you of the existence of treating in the county?—No, nothing beyond this, that all parties seem to have thought that it was legal to give what are called breakfasts upon the polling-day; it seems to have been the practice in the West Riding, that people had, before they went to vote, breakfasts, and all sides seem to have done. Mr. Stanhope's counsel, at the beginning, said that was a ground which might have affected the seats of Mr. Beaumont and Lord Milton; but that as they had all done it, and all believed that they were doing nothing wrong, he would not adduce any evidence of it.

10574. *Chairman.*] Is it your opinion that it is legal?—I am not prepared to answer this question: simple bribery, the giving of money for a vote, of itself is illegal, and affects the seat; but for the purpose of making treating illegal it must be corrupt, and the judge that has to determine upon it must determine that it was not merely meat and drink, and entertainment given, but corruptly given; I suppose corruptly means an act knowingly done contrary to law; and if that be the meaning of the word corrupt it would probably be illegal; but I dare say the Committee are aware that there is some difference of opinion as to what is the meaning of the word corrupt. I believe my Brother Willes has a very strong opinion upon the meaning of it, which you will find in his judgment in the case of Cooper *v.* Slade; but whether you agree with him, I do not know.

10575. Mr. *Hunt.*] That was a question relating to the conveyance of voters, was it not?—Yes, it was a question relating to the conveyance of voters to the poll; it went to the House of Lords upon the direction of Lord Wensleydale, and the House of Lords upheld his direction as being a proper direction. But you will find that one of the Judges who gave their opinion in that case was Mr. Justice Willes, and he gives a definition of what the word corrupt means in his opinion.

10576. Sir *George Grey.*] Were those breakfasts given in order to induce men to vote, or merely because they had already promised to vote, and had to go some distance to the poll?—I should think they were given not at all to induce them to vote.

10577. Then you think it would not fall within the fourth section of 17 & 18 Vict. c. 102?—I am not prepared to say. If my Brother Willes's definition of the word corrupt is correct, then it probably would be within it, because it would be a thing knowingly done, contrary to the Act of Parliament.

10578. Does not the 23rd section expressly meet that case, because any refreshment to voters on the day of nomination with a corrupt motive is illegal, and subjects the offender to a penalty, but without avoiding the seat?—That is so; there is a section to that effect.

10579. Still, your opinion is that giving breakfasts to persons who have already promised their vote, when they go to the poll, is not illegal?—I would rather not express a positive opinion. The words of the fourth clause are, that any person who shall "directly or indirectly give or provide, or pay wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision to or for any person in order to be elected, or for being elected, or for the purpose of corruptly influencing such person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote, or refrain from voting at such election, shall be deemed guilty of the offence of treating."

10580. What was the use of the 23rd section if you think that clause four comprises the case which you put?—It was to remove a doubt arising upon an expression of one of the Judges in Cooper *v.* Slade. The section is, "And whereas doubts have arisen as to whether the giving of refreshment to voters on the day of nomination or the day of polling, be or be not according to law, and it is expedient that such doubts should be removed: be it declared and enacted, that the giving or causing to be given to any voter on the day of nomination or day of polling, on account of such voter having polled or being about to poll, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such voter to obtain refreshment, shall be deemed an illegal act, and the person so offending shall forfeit the sum of 40 *s.* for each offence." I do not know that that carries it much further, for it must be on account of such voter having polled or being about to poll.

10581. Did not those breakfasts appear to you to fall within that section, because if I understand you right, the person who had promised to vote for the one or the other candidate, and who were going together to the poll, had breakfast before they set out to go to the poll?—Very likely it would be given to persons on account of their being

being about to poll; but I only considered the matter with a view to whether or not I should give costs, and I should rather not express a positive opinion.

10582. But without the motive of corruptly influencing them?—I believe that they did it in the West Riding, because it had been the universal practice. It was said to have always been done.

10583. Do you think that breakfasts so given would vacate the seat, both in point of being given, and that those breakfasts were given for the purpose of corruptly influencing voters to give their votes for a particular candidate?—The evidence simply was this, that men were going, say, 10 miles, into Huddersfield to vote, and at a public-house, the keeper of which was known to be friendly to the cause, there was some meat and beer provided, and people went there and took it. I am not prepared to say whether or not this was corrupt treating within the Act of Parliament so as to vacate the seat. The point did not arise before me. They were persons who were pledged to vote, and were going to vote.

10584. You do not think that it would be an illegal act within the 23rd section?—I doubt it.

10585. Mr. *Villiers.*] The people know beforehand that they are to have breakfast gratis, and, perhaps, some of them would not go without it?—That may be so.

10586. Sir *George Grey.*] Did you feel any difficulty in defining what treating was, as applicable to the cases brought before you in evidence?—No; in any case brought before me, I do not remember that there was any difficulty.

10587. *Chairman.*] Did you form any opinion as to the holding of committee-rooms at public-houses?—Certainly; I think that ought to be stopped. I am satisfied that it is made a pretence for treating.

10588. And do you think that it might be stopped without interfering with the canvass?—I think so; in several cases it was stopped. At Wigan, I believe, not a single committee was held at a public-house except on the day of the election, and in some other cases there were no committee-rooms at public-houses at all.

10589. Are there any points upon which you think that the Corrupt Practices Act might be amended?—I think it is a matter for your consideration whether or not there should be any paid canvassing, and whether you would not recommend it to be prohibited.

10590. Sir *George Grey.*] Why do you think so?—A great many canvassers are persons who are, I expect, not the honestest people in the world, and that they are not honest to the people that employ them, and I am satisfied that there are many persons employed as canvassers who would readily bribe.

10591. Do you think that the employment of paid canvassers is colourable, and that it is merely a mode of paying men to give their vote?—I am satisfied that it is so in some instances; but I am also satisfied that paid canvassers are people not to be trusted.

10592. *Chairman.*] Are there any suggestions which you would make as to the form of proceeding under the Act?—No; I myself went down under the idea that there would be a great deal of trouble, and that we would have a difficulty with the witnesses, and that altogether there might have been a difficulty in enforcing the jurisdiction; but I found the direct contrary; there was no difficulty with the witnesses at all, and my belief is that there was before me very little perjury.

10593. I believe that cases of prosecution in the ordinary courts, under the Act, have been very uncommon?—Yes, they have failed; and I believe it would be found practically impossible to get juries to convict for offences contrary to this election law.

10594. And you think that no good end would be answered by imposing more severe penalties?—Not the slightest. If you give it to juries you will get no convictions. I tried the cases which arose out of the Wakefield election; and there was the utmost difficulty in getting a conviction upon the clearest evidence.

10595. Mr. *Villiers.*] Is that owing to a general sympathy, on the part of juries, with those practices?—I think it is a sort of feeling that all do it; that one is as bad as the other.

10596. *Chairman.*] The motive which sets the law at work is the hope of getting the seat?—I suppose so.

10597. And you think that that is the only motive which Parliament can trust to?—I should say that Parliament cannot trust enforcing penalties through juries. If they choose to give the power to the magistrates in the same way as you have entrusted to us the trial of those election petitions, you may get it done, but you will never effect the levying of penalties through juries for breaches of the election law.

10598. We have had it in evidence, before this Committee, that in many places very gross bribery has prevailed at municipal elections, and that there are provisions of the law which would reach these cases, but it appears that they never have been put into operation?—I believe you have stated correctly that that is generally the case. I believe there are some instances where there have been penalties enforced for breaches of the enactments, with regard to municipal elections. I have seen them mentioned in the papers, but I never tried them; none have come before me.

10599. It appears that if a municipal election is objected to, there is no machinery by which the seat can be claimed for the defeated candidate?—I believe not.

10600. Do you think that some provision by which the seat could be claimed, would tend to put the law into operation?—I have not formed any opinion upon that; I have not thought of it. My Brother Willes suggests that you could by a *quo warranto,* remove a man from office if he obtained it by bribery; that could be done by a proceeding in the Court of Queen's Bench.

10601. You could not claim the seat for the unsuccessful candidate?—No, the unsuccessful candidate would get nothing by it; you would merely remove the man who was guilty of an illegal act.

10602. Mr. *Villiers.*] I think you stated that there was no evidence adduced before you of undue influence?—There was not to any extent.

10603. Therefore you are not in a position to state to what extent it had been used?—No, not at all, but my Brother Willes will be able to give you information upon that, because he unseated three Members for undue influence.

10604. You have no opinion as to whether there was intimidation or undue influence exercised?—I have not; I have formed no judgment. In those 13 cases which I tried, there certainly

Sir *S. Martin*, Knight.

29 June 1869.

was no undue influence to any extent proved or sought to be proved.

10605. If it had been proved before you, would that have been a ground for unseating a Member?—Yes, certainly, by the direct enactment of the Act of Parliament.

10606. Does the Act define what is undue influence?—Yes; it is the 5th section of the 17th and 18th of Victoria, chapter 102: "Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or inflict, or threaten the infliction, by himself, or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter, either to give or to refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence."

10607. Therefore, if you had evidence of any person being threatened to be turned out of his holding, if he did not vote for a landlord or a customer, the person who so threatened him would have been guilty of undue influence, and it would have come within that provision?—Yes; that was the ground of endeavouring to unseat Sir Robert Peel, at Tamworth.

10608. In all the cases that you tried you had no evidence of a case of that kind?—I had nothing that I recollect, except in one case at King's Lynn, and that failed.

10609. Mr. *Hunt.*] With regard to undue influence, do you consider that threatening a person with harm in another world would come under the 5th section?—I think it might. My Brother Willes is a much more learned man than I am; and he refers me to the Council of Trent.

10610. If a person having spiritual authority over a member of his congregation, were to tell him that if he voted in a certain way he would incur harm in a future state, do you consider that that would come under the fifth section?—I have never thought of it, and it is too important a question to give an opinion upon without great consideration.

10611. Sir *George Grey.*] The words are very large, "or in any other manner practice intimidation upon or against any person"?—My present impression is that this is rather directed to temporal harm. I do not wish to be considered bound by that opinion; nothing of that kind occurred during the election trials in which I was engaged. There was no suggestion from beginning to end in any case of any clergyman interfering in that way.

10612. *Chairman.*] You have told the Committee that the experience which you gained at those 13 inquiries induced you to think that the notion of bribery extensively prevailing was very much exaggerated?—That is my impression certainly, but I merely judge from the cases that I tried.

10613. Should you be able to offer an opinion whether the absence of bribery which you found from the most part arose from the apprehension that persons were under, that the inquiries by the judges were much more stringent than inquiries by Committees?—My own impression is that that was so. I think they were very much afraid of this Act of Parliament.

10614. Do you think that candidates and their agents were much more cautious in consequence of expecting such inquiries as you carried on?—That is my impression certainly.

10615. You have made a suggestion that it might be desirable to enact, that if a candidate's expenditure was unreasonable and unnecessary, the seat should be avoided, even though the expenditure was not necessarily a corrupting expenditure. In that case I presume you would leave it to the judge to say what was unreasonable and unnecessary?—I am really not prepared to answer that question. It was a suggestion made this morning; Mr. Justice Willes and myself thought it desirable that we should meet an hour before we came here for the purpose of talking the matter over; it was a suggestion of his, and I would rather that the Committee should take it from him. He has thought of it a good deal, and will be able to give you much better information than I can upon the subject.

10616. You made another suggestion, which has been made before, that no committee rooms should be held at public-houses; have you been able to ascertain whether it would be possible to obtain committee rooms in boroughs like Westbury, for instance, if they did not take rooms in public-houses?—I can only tell you that that was done in several instances. That committee rooms were held at private houses, or at houses where they only rented the rooms; a vacant house, or something of that sort, which they fitted up temporarily and occupied for the purpose. But I found that this constantly occurred, that there was a committee room at a public-house, and people went there, and that the candidates and influential agents were there; and then that beer was brought in and placed before each person; that the witnesses saw no one pay. They said, "We did not pay, and we saw no one pay;" and then it was sought to raise the inference, that this beer was supplied by the candidate. At present, my impression is that it would be a good thing to put a stop to it altogether, and that there should be no means of supplying drink to persons who assembled in those committee rooms.

10617. It would be a question whether the committee rooms were taken colourably for the purpose of transacting business, but really for the purpose of supplying drink?—Yes; and with respect to taking those rooms colourably, in the Bradford election, as I have told you, upwards of 150 public-houses were employed as committee rooms; there were a great number of public-houses also taken by Mr. Forster and Mr. Miall, but they proved very distinctly that, in their case, it was merely the hiring of a room for the occasion, and that the candidates, or the persons connected with them, had nothing whatever to do with the room, except at the period when the committee was there. On the other side, the committee rooms were kept open continuously for voters to go in as they pleased, and where they got drink free from payment. A committee room where voters can go in and get drink supplied to them free is one thing, but a committee room which is merely used as such for the occasion of speaking, or the meeting of the electors, and which is only made use of and paid for on the occasion of the room being used.

used is quite a different thing; that they were both committee rooms in public-houses was the only similarity that they had to each other. But, as I have said, I would stop that altogether, and would prohibit it.

10618. Supposing that a candidate goes down to a borough and takes up his quarters at a hotel there, and the members of his committee come there to see him in the room that he occupied in the hotel, would that in your view be considered a committee-room?—No, that is not my idea of a committee-room; that would be nothing more than that a man would have in his private house persons who were engaged with him in promoting his interest in the election. That is a perfectly innocent act. What I understand by a committee-room is a place paid for where a body of persons meet for the alleged purpose of conference.

10619. Supposing a candidate had a room at a hotel, and that the whole of his committee came there to see him one morning, will it be a committee-room in that case?—I think not.

10620. You would not wish to prevent that?—No; it would be impossible to prevent it. Unless you would compel a man to take a private house as a residence during the election.

10621. You have called attention to the fact that there is a difference of opinion as to whether an election is avoided by law by reason of the candidate performing certain illegal acts; do you suggest that the law ought to be so declared that a candidate committing those illegal acts ought to have his election voided?—I discussed the matter this morning with Mr. Justice Willes, and I attach much greater importance to and confidence in his opinion than in my own. He is of opinion, as he stated to me to-day, that he thought that to whatever extent the provisions of an Act of Parliament were wilfully violated, which did not enact that the consequences of those acts avoided the seat, a person sitting judicially could not avoid the seat.

10622. But do you suggest that the law should be declared to be this, that committing those illegal acts which are not declared expressly to avoid the seat, should in future avoid the seat?—I do not know what to say upon that matter, it would extend to every enactment which prohibits certain things being done, the same consequence which is now provided by the 17th & 18th of Victoria, upon bribery, treating, and undue influence. I think it would be almost impossible to hold a seat if you enact that.

10623. Sir *George Grey.*] Take the conveyance of voters as an instance; the providing of conveyance for voters does not now avoid the seat, but it is a misdemeanour, and subjects the person offending against the law to a penalty?—That is so.

10624. Would you make that act avoid the seat?—I am not prepared to answer that question. You are much more competent to form a judgment upon that than I am. What has occurred in the election trials has not enabled me to form any judgment upon it.

10625. Was it proved before you in any of those cases that that practice was resorted to extensively, so as to suggest to you the necessity of some alteration in the law?—No. The only case where the conveyance of voters had any appearance of illegality was at Salford.

10626. Mr. *Villiers.*] But it is illegal, is it not, to convey voters in boroughs?—Yes, to pay for the conveyance of them. The 30 & 31 Vict. c. 102, s. 36, enacts that "It shall not be lawful for any candidate, or any one on his behalf, at any election for any borough, to pay any money on account of the conveyance of any voter to the poll, either to the voter himself or to any other person." In the Salford case it was alleged that the money was paid, not on account of the conveyance of voters to the poll, but on account of the conveyance of messengers from polling booth to polling booth, for the purpose of announcing there and at the central committee-room the state of the poll.

10627. Would the proof of the violation of the provision which you have read involve the loss of the seat, or only a penalty?—Only a penalty. That is one of the matters in which, as I have already said, if I could have stated half-a-dozen breaches of enactments which did not involve, by the enactments themselves, the loss of the seat, I should have sent a case for the judgment of the Court of Common Pleas whether, in analogy to general corruption avoiding an election, they would hold that wilful violations of the provisions of Acts of Parliament, which of themselves did not enact that the seat should be lost, nevertheless, was such illegal conduct as, like general corruption, would avoid the seat.

10628. Mr. *Hunt.*] That was only in the case of its being very extensively practised?—Yes, several breaches of provisions of Acts of Parliament.

10629. I wish to draw your attention to the enactment of the 45th section of the Act of last year, which is to this effect: "Any person, other than a candidate, found guilty of bribery in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the seven years next after the time at which he is so found guilty, be incapable of being elected to and sitting in Parliament; and also be incapable of being registered as a voter and voting at any election in the United Kingdom," and so forth; do you consider that a voter found by a judge, upon such an inquiry as you have been carrying on under the Act, to have been guilty of bribery, is disqualified from being registed as a voter under that section?—I have very great doubt about it. It strikes me that the expression, "Has had an opportunity of being heard," applies to a case where a man has been charged with it, and has been put in some way upon his trial for it. In the case of a man being called as a witness, and saying that he received a bribe, I have very great doubt indeed whether he would come under this 45th section. I had occasion to report several persons as being guilty of bribery, as expressly directed by this Act; but I have very great doubt whether a person who himself stated that he had been bribed, was a person who could be held within the meaning of this section; that is a matter which must be decided, after much consideration as to what is the real meaning of the Legislature. Mr. Justice Willes suggests to me, that if you will refer to the section immediately before, that is section 44, it will show the meaning of this 45th section.

10630. The 44th section is as follows: "If on the trial of any election petition under this Act, any candidate is proved to have personally engaged at the election to which such petition relates, as a canvasser or agent for the management of the election, any person knowing that such person has, within seven years previous to such engagement, been found guilty of any

Sir *S. Martin*, Knight.

29 June 1869.

corrupt practice by any competent legal tribunal, or been reported guilty of any corrupt practice by a Committee of the House of Commons, or by the report of the judge, upon an election petition under this Act, or by the report of Commissioners appointed in pursuance of the Act of the Session of the 15th and 16th years of the reign of Her present Majesty, chapter 57, the election of such candidate shall be void." Do you consider that the tribunals being set out there, and not being set out in the 45th section, shows that the Legislature intended a distinction between the two cases.—My Brother Willes says that that is his impression; he thinks that "an opportunity of being heard" means upon a trial in some way where the party had an opportunity of defending himself.

10631. Should you consider that it would be any injustice to a voter to be disqualified from voting by reason of being found guilty by a judge on the trial of an election petition?—Not the slightest; I am sure that no judge would report that a man was guilty of bribery unless it was proved to such an extent that there could exist no doubt about it; I know that was the rule which I laid down myself, unless the man had an opportunity of being heard, it would not be fair upon the mere statement of a witness, when he could neither cross-examine, nor give any explanation, to report him to be so guilty.

10632. You consider that upon the trial of an election petition, even if the voter had admitted his own guilt, and been scheduled by the judge as having been bribed, still he would not come within the meaning of the 45th section?—It seems not.

10633. Are you acquainted with the particulars of the second Bewdley Petition?—Not at all; Mr. Justice Blackburn tried that.

10634. And you are not aware what question arose in the Bewdley case?—No.

10635. Mr. *Gathorne Hardy*] With respect to the candidates, in your judgment have candidates sufficient protection at present from charges which are made through agents whom they really did not personally employ?—I have no reason to suppose that they have not; I should have thought that they were sufficiently protected. If I recollect, the only evidence of traitors coming to give evidence against the persons who employed them was in the Westminster case, where two brothers who had attempted to extort money after the election, came forward to give evidence against Mr. Smith; I do not recollect any other case. By-the-bye there was a person at Dover who, it was said, was a man of that kind, who came forward to give his evidence, pretending to be a friend, but being really an enemy.

10636. Can you suggest any mode by which a candidate can protect himself further than he is able to do at present, against such liabilities as you have said are imposed upon him now?—If he takes care to avoid doing any illegal acts and employs respectable people, that is all he has to do.

10637. But he may be rendered liable through injudicious people?—Yes, certainly.

10638. Sir *George Grey.*] But do you suggest any alteration of the law of agency as applied to Parliamentary elections?—I do not; I think that it is a hard and harsh law, but nevertheless I think that if it was departed from you would find evils beyond; in fact you would find illegal acts committed in such a way that the candidate would scarcely ever be affected.

10639. Mr. *Edward Egerton.*] Did you find any other case besides Beverley where bribery was committed at the municipal election to influence the Parliamentary election?—None; that was the only case where it was done.

10640. And I think you decided that case with reference to the old principle of common law?—Yes, entirely so. The agency was distinctly denied on the part of the two candidates; they swore that they knew nothing whatever of it.

10641. I understood you to say that the distinction which you made in the Bradford case was that in the one case public-houses were used for the general purposes of the election, and in the other merely for the purpose of holding committees?—Yes, that is so. You will find that distinction laid down as clearly as I could lay it down in my judgment.

10642. When you say that you think a good thing would be obtained by getting rid of nominations, do you think that that applies equally to county elections?—Yes, I should say so. I see no reason why there should not be communication made to the returning officer a day or two before, to announce that A. B. intended to be a candidate. It seems to me that a nomination is worth nothing at all.

10643. Did you find, as a general rule, that there was more treating and bribery on the day of the nomination than there was on the polling-day?—No.

10644. Is there any trial pending in the Norwich case?—Yes, there will be a commission upon it.

10645. Sir *Frederick Heygate.*] Do you see as much objection to the public declaration of the poll as to the nomination day?—I think that you must have a declaration of the poll somehow; that is a necessity.

10646. Might it not be done by advertisement in the papers?—Yes; but I do not see any objection to a public declaration of the poll; the election is over, and no man could be corruptly influenced after that. I have always thought that as far as possible proceedings in this country should be public.

10647. You state your strong objection to the great expenses attending upon elections; do not you think that a great deal of that arises from an insufficient number of polling places?—No; I do not think so in England; I heard no complaint whatever about the insufficiency of polling places. I have heard a great deal of complaint in Ireland but not in England.

10648. Had you experience of county elections in England?—No, none at all; except in the one case of the southern division of the West Riding.

10649. Mr. *Cross.*] Is it the case that when counsel are satisfied upon any point, and give it up or leave it alone, the judges have not thought it necessary to pursue that point themselves?—I did not. There was a matter which I should have been exceedingly desirous to have followed up, and that was to have ascertained from whence the money came that was used to bribe at Norwich. There was a very extraordinary thing proved there. At about two o'clock in the afternoon of the polling day an innkeeper went to a bank, and his statement was that he presented a cheque,

cheque, and that a clerk gave him 400 half sovereigns; but the clerk was called and he said that that was not so, that he was asked for half sovereigns, and that he had to go to the manager for the purpose of getting the half sovereigns, not having 400 half sovereigns at his command.

10650. Mr. *Bright.*] He did not receive a cheque, did he?—It was to exchange a cheque at the bank.

10651. Mr. *Hunt.*] Did not you find out who signed the cheque?—Yes; the innkeeper was the man who signed the cheque, and he was the man who went and got the half-sovereigns.

10652. Mr. *Cross.*] You did not look upon yourself as a public prosecutor?—No, I did not.

10653. I hold in my hand the petition from Warrington about the Warrington election, a part of which petition I will just read to you; it says, "Having ineffectually applied by our counsel to the learned judge who presided at the hearing of the Warrington Election Petition, for a case to the court above, we are induced to represent our position to your Honourable House in the hope, and praying that some effectual remedy will be found to meet the case of your petitioners, and that some form of voting may be provided by statute, and that returning officers may be compelled by law to take such precautions as will prevent voters from being deprived of their constitutional rights by incapacity or mismanagement on the part of any official"?—I will state to the Committee what the history of that was. At the Warrington election the mayor had appointed a number of polling clerks, and it is clear from the enactments in the Acts of Parliament that the poll clerk is the person to whom the vote is to be tendered. A man who had been appointed poll clerk was taken ill the day before the election, and it became necessary to get a person substituted in his place; and I have no doubt that the selection made was a perfectly honest selection; but it turned out that he was a man not fit for the place, and he was put into a polling booth where they allowed a check clerk for each candidate to be in the same place with the poll clerk. One would suppose that in taking their places the poll clerk would be put in the centre, but he was not; he was at one end. A considerable number of voters were determined to get their names upon the poll very early, and they came in a great crowd up to this polling booth; and instead of giving their votes to the poll clerk by word of mouth, they had tickets, which they handed in as giving their votes; and a gentleman who was there on behalf of Mr. Greenall, instead of permitting them to be given to the poll clerk (which would have been a wrong mode of voting), took them himself and gave them to the poll clerk; and it was stated the poll clerk did not take down a number of those names. I held very clearly that a vote by means of a voter handing to the check clerk of one of the candidates his ticket for him to have the name taken down by the poll clerk was no vote; that it was illegally tendered and void altogether; any ticket that was taken direct from the elector by the poll clerk and entered by him, although there was some doubt about it, I stated that I would hold to be a legal vote.

10654. The object of my question was whether you could suggest any alteration in the law as to taking the votes in the order to prevent that occurring again?—I would suggest this alteration, and I did so at the time, that they should not allow the check clerks to be in the same compartment with the poll clerk who was taking the votes.

10655. Would you suggest that the poll clerk appointed by the mayor or the sheriff in counties should have some distinction, so that voters might know where to go?—That might be; but this man, I fancy, lost his head. I may say that the whole of this was done in the first half-hour; the person who had the control of the election came and set it right immediately; and it would have been a monstrous thing to have unseated the gentleman who was returned, who was as innocent of doing wrong as any gentleman in this room, because persons came and offered their votes in an illegal way.

10656. Could you suggest any alteration to prevent such an occurrence as that?—Yes, as I suggested at the time, that the returning officer should take care that no person was in the same compartment with the poll clerks, so that there should be no chance of that being done which was done then.

10657. *Chairman.*] You think it is not a case which is very likely to happen again?—I think not at all. It arose in consequence of those men coming up altogether, and the desire that the first return should be very favourable to Mr. Greenall. The men came up to vote, but instead of that which you generally see, a sort of lane, so that persons can pass up before the polling booth, they had, for some reason or other, taken down the barrier, so that people were standing in dozens around the poll clerk.

10658. Mr. *Cross.*] Probably you are aware that in municipal elections they are obliged to have one alderman to preside in the ward, under the Municipal Act; would not you suggest that the sheriff or mayor should appoint some such responsible known person?—In this particular case the Mayor of Warrington appointed a very competent person to be the controller of the polling, and he was sent for, and came and immediately set the matter right. I think that the matter was set right by half-past eight or a quarter to nine.

10659. Mr. *James.*] You have expressed your opinion of the inutility of criminal prosecutions, and the impossibilty almost of obtaining convictions from juries in the localities; would the same objection apply if the trial were removed to London, and tried by a London or Middlesex jury?—I think so; you would find a Middlesex jury even more unmanageable than a country one.

10660. Do you think that they would be more influenced by political opinions?—I think so.

10661. More than a jury of the locality, who have entered, probably to some extent into the election contest?—The only important instance I have had since I have been upon the Bench, in trying these matters, was a case arising out of the Wakefield election, and in that case there was an abortive trial. The first trial was held before Sir Hugh Hill, when a gentleman from Wakefield refused to give his evidence, and thereupon he discharged the jury, and committed the man to prison for nine months. I went the Northern Circuit following, and I took an opportunity of speaking to one of the counsel on the side on behalf of which this witness was, and I recommended him strongly that this man should be advised to come and give his evidence, and not

Sir *S. Martin*, Knight.

29 June 1869.

have the same thing over again, for I had quite made up my mind that if he refused to give evidence I would have subjected him to a fine and to further imprisonment. The consequence was, that the man came forward and told his story, and I believe told it substantially honestly enough; but there was the greatest difficulty in that case. It was as clear a case as well could be, and there was not the slighest reason to suppose that the man was saying a word of untruth, although he was most unwillingly giving his evidence.

10662. Mr. *Villiers.*] Then the jury did their duty on that occasion?—Yes.

10663. Mr. *James.*] Should you see any objection to the judge who tries an election petition having the power of a committing magistrate, to commit a person who had been guilty of gross bribery?—A judge has the power, but I think it objectionable that the judge should interfere in that way, if it can possibly be avoided. It puts the judge in a wrong position. The duty of a judge is to sit judicially, and form a judgment upon the matter which is brought before him. I feel myself a great dislike to take any immediate step with regard to a witness, and I never did so but once, when I sent a little boy to prison for the night and discharged him in the morning; that, in the course of 19 years, is the only occaon which I have interfered.

10664. Do not you think that it would have a salutary effect upon the constituency, if they should see a judge commit a person to prison?—It might.

10665. You have had a case before you, have you not, where the accounts had not been delivered in within the two months prescribed by the statute?—Yes, wilfully, and of purpose kept back.

10666. Do not you think that that ought to be a ground for invalidating a Member's seat, who wilfully disobeys the statute?—I thought so at the time. The statement made by the attorney was that he had consulted the London agent, and that the London agent had advised him not to do it, and had said that that was the proper course to pursue.

10667. *The O'Conor Don.*] I think you stated that where a defeated candidate prayed for the seat, you think that his own acts and the acts of his agent could be gone into upon the petition?—Yes.

10668. But in case he does not pray for the seat he cannot?—No, the Act of Parliament is precise upon that subject.

10669. Supposing a defeated candidate had been guilty of an improper act at the first election, could that be brought forward if afterwards he should be successful on the second election?—I cannot answer that question. I do not find any express provision in the Act of Parliament. My Brother Willes says that there is, and that it is the same section which has been so often referred to in the Corrupt Practices Act.

10670. Mr. *Brand.*] I understand you to say that, as far as your experience goes, at the last general election there was not much bribery?—That is so.

10671. You advert, I presume, to coarse form of bribery, by the payment of money from hand to hand?—What I have been calling bribery has been a direct payment in money.

10672. But with respect to other payments, excessive payments for agents, for canvassers, for committee-rooms, and so forth, would you be so good as to give the Committee your opinion upon that point?—The only case that came before me in which I saw anything wrong with regard to agents was at Brecon. There one of the attorneys received 500*l.* as his fee; and there were four others who only received 100*l.* It seemed to me that that looked very much like buying a small borough, and paying a man for the interest which he had probably made with a number of electors; but that is the only case where it occurred.

10673. Mr. *Bright.*] I presume those attorneys could not vote?—No, they could not vote; no person who receives pay can vote.

10674. Mr. *Brand.*] Have you not found generally, in the course of your inquiries, that the payments for committee-rooms have been very large?—Sometimes very large.

10675. And, generally speaking, they are at public-houses?—In a great number of instances they are at public-houses, and the payment sometimes is very large. There was a very large sum paid for a public-house at Salford. That was the case of a man named Keane, the rental of whose house was only 19*l.* a-year, and 5*l.* was paid him for the use of a room for one day.

10676. Mr. *Villiers.*] I think you have given some opinion with respect to a large retaining fee to an agent?—Yes, I thought it was very large. It was a mere observation of mine upon the amount of the agent's fee. I had not to adjudicate upon it, because the counsel for the sitting Member abandoned the seat. A bribe of 5*l.* was proved to have been given to a man, and thereupon the counsel for the sitting Member abandoned the seat.

10677. Was the man tried who was bribed with 5*l.*?—No, he has not been tried. The trial was to have taken place at the last Spring Assize; but upon an application to the Chief Baron, it was postponed to the next assize, upon the ground that it might affect the petition.

10678. Mr. *Brand.*] I understand you to say that you object to the payment of canvassers; does that observation apply to the payment of agents?—In most cases attornies are employed, and I am afraid they will not work except they are paid. I think that there is much less danger in paying attornies who, generally speaking, are respectable people, than paying canvassers who, I think, sometimes are not at all respectable.

10679. Is it not your opinion that there may be much bribery through the excessive payment of agents and canvassers?—I have no doubt that it may be done.

10680. Have you reason to suppose that it prevails to a considerable extent?—I can only speak of those 13 cases which I have tried. And I do not think that with one or two exceptions it prevailed much in them.

10681. Have you any reason to suppose that corrupt compromises take place between the parties to petitions either before or after the trial?—No, the Act of Parliament directs that it must be withdrawn with the consent of the judge. You will find the provisions with respect to the withdrawal of petitions, beginning with the 35th section of the Act of last year. We agreed that we should require certain affidavits in every case; and we have required affidavits from the candidate, and the persons withdrawing, that there has been no corrupt contract or agreement of any kind. We have always insisted upon that, and the affidavits are filed at the Common Pleas Office.

Office. In every case we have insisted upon the persons applying making such affidavits, and I have no reason to believe that the persons have sworn falsely.

10682. Have there been many cases withdrawn?—Yes, a great number.

10683. Sir *George Grey.*] In any of those cases have any electors applied under the power given by law to be substituted for the petitioners so as to prosecute the petition?—There has been no instance of that.

10684. Have you no reason to suppose that the withdrawal of a petition has been objected to by any number of electors within the borough?—I think there was one case where it was said there was considerable objection; that was the case of Stockport. I remember hearing that there was some objection made on behalf of the electors of Stockport, but I never heard of any other.

10685. Do you know why they did not avail themselves of the power given them by law to prosecute the petition on their own behalf?—I do not; that case was before Mr. Justice Blackburn.

10686. Mr. *Brand.*] Have you considered whether it would be desirable to appoint a public prosecutor to watch the proceedings at the trial of those election petitions on behalf of the public?—I have not.

10687. In the Norwich case, I understood you to say that you would have wished to have carried on that inquiry?—I should.

10688. Would not it have been desirable to have had a public prosecutor present on the occasion to have carried on that investigation?—I do not know; it might have been so, but you must consider the immense expense. If you had started a fresh inquiry after the election petition was concluded I know not to what extent it might have gone; but I felt there, as I have already said, that it would have been exceedingly desirable to have followed up those 400 half sovereigns: I never heard of 400 half sovereigns being paid on a check before, nor, I suppose, anyone else.

10689. Sir *George Grey.*] Did you feel that you had no power by law to follow out that inquiry?—I had no means of doing it. In the first place I would have had to get witnesses, and I had no means of obtaining witnesses. I suppose I could have made an order under the clause of this Act of Parliament for the attendance of anyone, but I should require to know who the persons were, and what were their names, and as I have already said, I think it ought to be well considered before it is put upon a judge to take an active part in prosecuting.

10690. Mr. *Bright.*] Is it not the case that generally speaking, the public sentiment is not so severe against those offences as to make their prosecution and punishment very easy?—That is true, there is no doubt about it. I think there can be no stronger instance of that than the Wakefield case.

10691. You mentioned a case at Salford where a publican with a house of the value of 19 *l.* a year, got 5 *l.* for the use of it for one day; was there any proof that that same publican in that same house had persons drinking, or that he sold drink on that day?—Yes, there were a considerable number of persons drinking.

10692. Then the 5 *l.* which he got for the rent would not be the whole profit which he got out of the house?—No, it was for nothing except for the use of the room.

10693. Was it proved who paid him the 5 *l.*?—Yes, it was proved who paid him.

10694. Was it by any person who, under any fair construction, could be held to be an agent for the sitting Member?—Yes, I think it was. I think that man, if I recollect rightly, was paid by a young man who acted immediately under the secretary.

10695. At Brecon there was one case of bribery proved, and the seat was voided; and in the Salford it was what you termed a dishonest payment?—Yes; I thought that the man was paid an exorbitant sum for his room.

10696. Was it for the sake of securing his vote or his influence?—I should think it was his influence.

10697. How did it happen that in the case of Brecon, 5*l.* should be so fatal to the seat, and in the case of Salford this payment of 5 *l.* should not be reckoned against the sitting Member at all?—In the Brecon case it was a direct payment of 5 *l.* to a man upon an appointment made to meet at a railway station, and it was paid in money. In this case I would have to arrive at the conclusion that the 5 *l.* which was paid to the publican was a colourable payment, and there was a positive oath that it was not. I forget exactly what was said, but I remember that I thought I ought not, against the positive oath of several persons, arrive at a conclusion contrary to their oath.

10698. If a man had called on somebody and given him 10 *l.* for a kitten or some absurdity of that kind, would you have taken that man's oath and said that it was not a dishonest payment?—I certainly should not; 10 *l.* for a kitten would not have satisfied me.

10699. But in the case of 5 *l.* for a single day for a room in a beerhouse, and that the day of election, when publicans are all expecting to make a profit out of it, how could you come to the conclusion that it was not a corrupt payment?—I dare say it was a corrupt payment, but it was not bribery, within the meaning of the Act of Parliament, which was the matter upon which I had to adjudicate.

10700. With regard to the withdrawal of petitions have you heard that a great number of petitions were withdrawn in consequence of the conclusion which the persons came to as to the decisions and judgments of the judges in previous cases?—Yes; I have seen so in the newspapers.

10701. That the judges had, as was stated, so buoyed the channel that corruption was much more safe than before even?—It was said so, but I do not believe it; I believe that that was an incorrect statement, I would be glad if the person who made that statement would take the trouble of reading the judgments, and form his judgment upon them. I have seen many statements in the newspapers upon the subject, but I do not believe that they are well founded.

10702. Nobody doubts that they are honest throughout, but the subject is not one without difficulty?—I do not know. As far as I am concerned, speaking for myself, I have not the slightest reason to believe, after an interval of two months, that any judgment that I gave was wrong; and I would give them all over again if the thing was to occur again. Of course, very often people are dissatisfied with a decision upon their case that they hoped might have gone otherwise.

Sir *S. Martin*, Knight.

29 June 1869.

10703. Mr. *Whitbread.*] I think you said that paid agents could not vote?—There is a provision to that effect.

10704. Is not it the case that they render themselves liable to a penalty if they do vote?—No, it is the 30th and 31st of Victoria, chapter 102, section 11, which enacts, "No elector, who within six months before or during any election for any county or borough shall have been retained, hired, or employed for all or any of the purposes of the election for reward by or on behalf of any candidate at such election as agent, canvasser, clerk, messenger, or in other like employment, shall be entitled to vote at such election, and if he shall so vote, he shall be guilty of a misdemeanor."

10705. There is nothing then to prevent the poll-clerk from taking down the vote of such a person?—There is nothing to prevent the poll-clerk from taking down any vote; but if he takes the vote of a person not entitled to vote, it is a nullity.

10706. That is to say, that vote is struck out on petition?—Yes.

10707. But it is quite clear that the Legislature intends, and as you think rightly intends, that a man who is a paid agent shall not vote?—Yes.

10708. Do not you think it would be an improvement if the returning officer were empowered to ask the question whether the man is a paid agent, and upon his being answered in the affirmative, to refuse the vote altogether?—I do not know. I believe it has been the object of the Legislature to have as few questions as possible asked by the poll-clerk, from a fear, and probably it is a just fear, that it might do more evil than good. I am afraid if you extend the number of questions to be put by the poll-clerk, you would delay the election very much, and very probably not effect much advantage.

10709. Is it not rather a hardship upon a candidate who has reason to believe that 10 or a dozen paid agents on the opposite side intend to record their votes, and after having given clear and specific warning of the penalties to which they are liable, sees those agents going up to the poll against him?—I think it is a great hardship; but at the same time I would not like to give an opinion upon a matter which you have put to me here for the first time; I never thought of it before; it never occurred to me to form any judgment upon it. Mr. Justice Willes suggests that it ought to avoid the election, if the thing was knowingly done.

10710. Mr. *Hunt.*] Do you think it right that it should be left to the defeated candidate and his friends to investigate a corrupt election, at their own expense?—I do not know; I should say so, generally speaking.

10711. Would you suggest any mode of prosecuting such an inquiry at the public expense?—If you will be good enough to put upon paper any question that you would like to ask me, I will think of it, and come again to the Committee, any day, and give an opinion upon it; but I do not like to answer, off-hand, upon matters of that kind that I have given no consideration to. It would be worth nothing if I were merely to give what was floating in my mind; but if you consider that any good would arise from my answering questions of that kind, I will consider them and give the best judgment I can.

10712. Sir *George Grey.*] Does not the 56th section of the 31 and 32 Vict. c. 125, give power quite independent of the candidate to electors to complain of corrupt practices and authorise an inquiry?—Yes, certainly. The section says, "If, upon a petition to the House of Commons, presented within 21 days after the return to the Clerk of the Crown in Chancery in England, or to the Clerk of the Crown and Hanaper in Ireland of a Member to serve in Parliament for any borough or county, or within 14 days after the meeting of Parliament, and signed by any two or more electors of such borough or county, and alleging that corrupt practices have extensively prevailed at the then last election for such borough or county, or that there is reason to believe that corrupt practices have there so prevailed, an address, to be presented by both Houses of Parliament, praying that such allegations may be inquired into, the Crown may appoint commissioners to inquire into the same." It does that certainly.

10713. It does not affect the seat, but there may be an inquiry into corrupt practices quite irrespective of the seat?—Yes, certainly.

Sir James S. Willes, Knight, called in; and Examined.

Sir *J. S. Willes*, Knight.

10714. *Chairman.*] You tried a number of election petitions, did you not?—Yes.

10715. Have you a list of the cases which you tried?—I have gone through them in the index of the printed papers, Parts I. and II. of the Judgments, and I find that there are 10.

10716. Do you know in how many cases the seat was avoided?—Two; at Blackburn and Westbury.

10717. In both those cases the seat was voided, was it not, on the ground of undue influence?—Yes.

10718. In the case of Blackburn, did it appear to you that there had been a very great amount of undue influence?—Yes; but the mass of it seemed to me to come from workmen, who must have thought that they were pleasing their employers in what they did. I think there were two distinct instances in which persons occupying the position of overlooker, in one case, and in the other of pay clerk in a mill, did intimidate workmen, but in all the other instances the intimidation came immediately from the body of workmen in the mills themselves.

10719. Why have you formed the opinion that the workmen thought they were pleasing their masters by acting in this way?—I stated my reasons at large in the printed judgment, which occupied a very long time to deliver; and it would be difficult to bring before the Committee all the details without being tedious.

10720. You did not come to the conclusion, did you, that the workmen had entertained any strong political opinions themselves?—I think they did; I think the Lancashire people, as far as I can at all judge, have very strong political feelings; so much so at Blackburn, that the mills adopted colours, blue or yellow, and even a man used

used to stick up the colour, blue or yellow, upon the machine that he was working at, according to his politics, which seems carrying matters a long way.

10721. Did the pressure exercised by the workmen invariably go in the same direction as the opinions of the master?—I think so; I think all the intimidation was in Tory mills and was of Whig workmen; I will explain. The mills adopted colours, and I observed that after the decision was given, all the flags hoisted were yellow, and that there was no flag upon several mills which I presume, therefore, to be blue.

10722. Mr. *Villiers.*] Are you referring to what came out in the course of the evidence which was submitted to you, or to what occurred pending the inquiry?—I refer to the evidence. The two Members returned were Tories; the two gentlemen who petitioned, the candidates, were Whigs, and they complained of intimidation of Whig workmen, which intimidation was proved.

10723. What was the nature of the intimidation?—The intimidation was of this sort. Putting aside the question of time and occasion, namely, whether the municipal election and the Parliamentary election were so connected that what was done directly in consequence of the municipal election, did necessarily affect the Parliamentary election and was intended to affect it, the nature of the intimidation was, "if you chose to vote Radical go and work for the Radicals," and in some instances there was force used.

10724. Was it something like a threat on the part of the masters, that if they did not vote as they were directed they would lose their employment?—I think no master was directly involved; it was in all cases, save perhaps one, the men. In the two specific instances to which I have referred, it was in one case from an overlooker, and in the other from a kind of clerk. The precise character which he occupied in the mill, I think, was that of pay clerk: he was a person who was entrusted with large sums of money and who had the payment of the men.

10725. In some position to enable him to threaten the men, and to try and induce them by fear to vote in a particular way?—Yes; and also to bring him within the terms of a circular which attracted a great deal of attention, issued by the Tory committee, and adopted by the Members, and which called upon the persons who were overlookers and so forth in the mills, to use their influence with the workmen, both for the municipal and the Parliamentary elections.

10726. Was it the only charge that was brought, or the only thing alleged in the petition, that undue influence was used?—No; the petition charged corrupt practices of all sorts; bribery, treating, and intimidation; but there was no evidence either of bribery or treating; and I believe that the place was free from what I call vulgar corruption. The corruption proved was the intimidation, either by fellow-workmen or by persons rather above them in position in the mill, under the notion that they were pleasing their employers.

10727. *Chairman.*] That election, I believe, as in the case of Beverley, was avoided at common law, was it not; it was not on account of any specific acts of bribery or corruption?—No; that election was avoided under the statute, though it would, I believe, also have been void at common law. I believe, by what has been called the common law of Parliament, corruption in an agent has always avoided an election.

10728. Sir *George Grey.*] Was this intimidation in that case connected with the agents of the sitting Members?—It was; through the circular to which I have referred.

10729. Was it your belief that it clearly came within the statute?—It clearly came within the statute; but I should be very sorry to have it supposed that that statute displaced the common law.

10730. *Chairman.*] From what you have seen elsewhere, and what you have heard, and what you have read of trials in other cases, do you think that the case of Blackburn was quite an exceptional one, where you decided that an immense amount of intimidation prevailed?—Not an immense amount of intimidation; I made a report to the Speaker, which would give my notion of it. It was a spurt; it was an outburst in certain mills, and it spread to the neighbouring mills, and when it came to the notice of the employers, they put it down as soon as they could, of course, seeing the ruinous effect that such proceedings would have if they were allowed to go on.

10731. Those proceedings being what their overseers were doing on their works?—It must have been done either by the recommendation of the overlookers or the foremen egging on the men against the rival candidate.

10732. The case of Westbury also was decided, was it not, on the ground of undue influence?—Yes.

10733. That was the act of one individual, was it not?—Yes, it was the act of one individual, and it was necessary there to go into the question of what constituted him an agent. I took some trouble to state what would be an agent, and what acts of an agent would bind the Member in that case, and may refer to that without repeating those remarks, and I do so in consequence of the Committee having asked my Brother Martin as to what the law laid down was as to agency. I believe that the law laid down there will be found to be quite consistent with what was laid down by my Brothers Martin and Blackburn in the cases which came before them.

10734. Do you agree on the whole with what Mr. Baron Martin has told us as to the prevalence of the various forms of corrupt practices?—I think there is a great deal of eating and drinking which falls under several heads, because I believe there is a great deal of eating and drinking by people on the same side in politics in the way of feasting people; the northern races have always feasted one another over any work that they have in hand, and they always will do so; that, of course, you do not call treating. It is a rejoicing over a common pursuit, in which people sitting down to supper or whatever it is, may be engaged. It does not alter their opinions; it puts them, as it is supposed, on better terms with one another, but it has no effect upon their political opinions that I can conceive of.

10735. Had you any difficulty in determining what was corrupt treating under the Act?—I had not; I was going to divide the subject. Besides that, and not affecting the Members, this sort of thing takes place. Public-houses are hired for the purpose of Members making speeches. Members who are not known in the place, and who rely upon their oratory, employ persons to go round and hire public-houses, and appoint certain times when they come down and

Sir *J. S. Willes*, Knight.

29 June 1869.

make speeches. That I found was one form of canvassing. A Member prohibits any drinking, and his agents prohibit any drinking; a crowd of persons collect at the public-house, listen to the candidate, and then, when he goes away, order up beer as a matter of course; and the sort of people that go to those meetings will drink, and it has the appearance of being treating; whereas, in fact, the beer is paid for either by the people who order it or by a whip, in many cases the richer people putting in rather more, perhaps, than the poorer people; and it is not proved to come from the agent of the candidate or from the candidate himself. Then there is a third head, that of the landlords, who take advantage of occasions such as I have referred to, and who, without the authority or knowledge of the candidate or his agent, put upon the table, I was going to say, pailsfull of drink for anybody who thinks proper to sup, and the drink is supplied by the landlord under the notion that he may afterwards shame the candidate into paying. In no one of those three cases is there treating which can affect the candidate's seat. You must show that the candidate or his agent has ordered the drink, or connived at the drink being ordered, before you can affect his seat on account of it. There is one other head which I think the law ought to deal with. I do not myself see the way to deal with any of those cases to which I have referred, because they are things which will take place, and will come from people's love of drink which you cannot extinguish. The other case is this; that unquestionably since the Lambeth case and other cases with which you are probably familiar, it has been held that, as before, the 11th section of the Representation of the People Act, a candidate might pay his committee-men or his canvassers, although they were voters, a reasonable sum of money for their services in those capacities; so it was also held and seems to be still the law that a candidate may treat his committee-men or his canvassers to a reasonable extent. He may give them what is called reasonable refreshment, without coming within the law of treating. That question of reasonable refreshment is not dealt with at all; and that question of paying voters on the side of the candidate is only dealt with, and insufficiently dealt with, as it appears to me, by the 11th section of the Representation of the People Act. That is the fourth case. The fifth is, where a man gives drink, either particularly or generally, with a view to gain influence or to get votes, and that is within the Corrupt Practices Act. The sixth case is that which was referred to under the 23rd section of 17 & 18 Vict. c. 102; and with respect to the distinction between those two sections, I may mention that at Bodmin I went into that matter. I will not repeat what I said there, but I discussed the 23rd and the 4th sections and compared them, and pointed out what I thought was the distinction between giving drink on account of a man being a voter, and giving drink to influence that voter's vote; and in my opinion the 23rd section ought to be extended to a week at least before the election, including the day of polling, instead of being limited to the day of nomination and the day of polling; and that sort of mild treating ought to be brought within the operation of the 36th section, annulling the election; because allowing reasonable refreshment to be given leads to suspicion, which will cause a vast deal of litigation under the Act of 1868; and also to worse than suspicion, because it gives a cloak to corrupt treating.

10736. Sir *George Grey.*] The third case, I think you said, was that of a landlord supplying drink, in the expectation that he would be paid by the candidate?—Yes; intending after the election to send in his bill. Upon looking at the report of the Coventry case, you will find what took place at Coventry with reference to the election before the last. In March 1868, a gentleman went down who, I believe, intended to contest the election quite fairly. There were committee-rooms in public-houses, and he went round and made speeches, and the landlords after he went used to put upon the table a quantity of drink, of which he knew nothing. He was defeated, and he, to reimburse a friend at Coventry, paid a large sum, I think some 700*l.* or 800*l.*, in discharge of bills of that description. He was appealed to as a matter of honour to pay the bills, and he did so.

10737. Supposing it should be proved that a vague expectation of being repaid by the candidate, or by some person on his behalf, was entertained, and that the candidate had subsequently paid, would not that affect the seat?—I should say that the better opinion, and which I should act upon, would be, that payment made with knowledge of the illegality was a ratification of the act, and an adopting of it from the beginning; that it would make the landlords agents, by adoption, from the beginning, and if it were found out before the trial, so as to be brought to the notice of the election judge, the seat would be void. If it were found out after the election judge had performed his functions, then it would be a question which I believe the House has before it, and upon which it would be very improper for me to offer any opinion, although I entertain one, whether the House has the prerogative, upon discovering that there has been corruption which has escaped the election judge, to interpose, and direct a new writ to issue.

10738. Mr. *Whitbread.*] Cannot it be the subject of a new petition?—No, I believe it cannot be the subject of a new petition; giving, of course, my opinion upon the construction of the Act of 1868.

10739. *Chairman.*] In those different forms you think that a great deal of drinking does go on during elections?—At some elections; at a great number of elections which I have tried there was no drinking, whereas at some there was considerable drinking.

10740. Have you formed the same opinion as Mr. Baron Martin as to the existence of very little bribery?—I have not had any case of extensive bribery before me; that is to say, any case of which I could say I really believed that in this case there has been a sum of money to be expended in bribery. I rather suspect that there was a sum in one case supplied by somebody, but I could not get at it.

10741. Was undue influence alleged in other petitions which you tried besides Blackburn and Westbury?—Yes, in several. There was undue influence alleged at Bodmin against Mr. Leveson Gower; but they were very small cases, and were quite groundless. There was also at Southampton a case of one or two workmen being stated to be intimidated by their employers; but it was not proved. It requires to be very cautious, in dealing with the evidence of discharged servants,

servants, who are proverbially spiteful against their masters; and it is very necessary to be sure that you have an honest fellow, who has been turned out for no fault of his own, giving evidence, and not a spiteful man, who defends his being sent off for a real fault by a charge against his master.

10742. There has been nothing to make you think that such practices were common?—No. At Northallerton there was a case in which a Baptist minister was said to have been intimidated by his flock. He promised to sit still or engaged to sit still, and he changed his mind and voted for one of the candidates. He also did what I thought was a questionable proceeding on the part of a minister. I may be right or wrong; it is merely a private opinion, but he gave the use of his school to one side in politics, his congregation being divided; and some of his congregation said, "You have not sat still, you have changed your mind;" and in a fury they said, "We will not come here again." I thought that was rather in the nature of a squabble than of intimidation on either side, and I declined to avoid the election on that ground. Besides, by-the-bye, agency was not proved; but I should not have avoided the election, even if agency were proved; I thought it would be overstraining to call that intimidation. The only other case where intimidation was brought before me was at Tamworth, where it was said that Sir Robert Peel turned out several of his tenants, not because they would not vote for him, because I think he had a majority of between 300 and 400, and he was quite sure of his election, but because they would not vote for Sir Henry Bulwer: but I was satisfied, upon the evidence of Sir Robert Peel's agent, that the evidence of intimidation was false, and I did not believe it.

10743. Mr. *Villiers.*] It was a question of agency there, was it not?—Yes; there were two considerable questions of agency at Tamworth, but I dealt with the case of intimidation in the first instance. The question was, "Do you believe those witnesses who say that they were turned out for their politics, or do you believe the agent's explanation of what he did as being part of the management of a considerable estate, in which there were many small tenants who would be changing from time to time?" I believed the agent; I thought he was confirmed in more than one case, and I believed him where his evidence was opposed to that of the tenants. I thought it was a concocted case. That was the conclusion which I formed, and that ends the tale of my intimidation cases. In two of them I set aside the election.

10744. *Chairman*] There were two points, I think, on which Mr. Baron Martin said that he thought you had formed an opinion that some alteration in the law might be expedient; one was the case of extravagant or unnecessary expenditure, which would not now invalidate an election unless accompanied by certain acts?—I am not sure of that; that is a question upon the construction, as I understand it, of the 3rd clause of the 2nd section of the Corrupt Practices Act, the 17th and 18th of Victoria, chapter 102. The 3rd clause of that section, as I read it, is more immediately directed against such a case as this: I will not refer to names, although I believe it is quite a notorious case; a case in which a gentleman was said to have given or promised to a person of influence 2,000 *l.*, to be returned for an Irish borough. Probably everybody will recollect the case to which I refer; and this 3rd clause of the 2nd section seems, in the first instance, to be pointed against such a case as that: "Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in Parliament." That was the purchase of influence, the giving of a couple of thousand pounds to a person who was supposed to have the borough in his pocket. That is the sort of case against which the second section, I believe, was more immediately directed; but it goes on, "The return of any person to serve in Parliament, or the vote of any voter at any election." That is not like the previous clauses which deal with the case of giving the voter the money; this clause deals with giving any person money in order to induce any voter to vote; and if a candidate were to drive through the streets in an open carriage, and to fling about gold amongst the crowd with a view to have the voters, thinking they would make something out of him for the benefit of the place or of themselves, afterwards vote for him because of his wealth, I conceive, putting an extreme case (because I do not want to stop to find a more practical illustration), that that case ought to fall within the latter part of the 3rd section, "or the vote of any voter at any election."

10745. Mr. *Villiers.*] Whether the money was picked up by voters or not?—Whether it was picked up by voters or not, or whether he meant it to be picked up by voters or not.

10746. Sir *George Grey.*] It would be an expenditure made with the view of procuring his return or to induce persons to vote for him?—Either to procure his return or to get persons to vote for him; but I must add that I cannot call to mind an instance in which that clause has been so acted upon by a Parliamentary Committee, or that anybody has suggested that it was sufficient to meet even such a case as the second which I have enumerated.

10747. Mr. *Villiers.*] Has there not been a case of that sort in Ireland?—I am not aware. The first branch is clearly sufficient to meet the case of giving a sum of money to purchase influence.

10748. In the case that I am referring to it was the custom, I believe, for candidates to scatter money in the streets, and that was done on this occasion; but whether the proof was sufficient to unseat the Member I forget?—I am obliged to the Right honourable Member for the information. I thought I was putting a fanciful case, but that shows that it really may happen in a place where the manners are primitive.

10749. Sir *George Grey.*] I think I understood that you have formed an opinion, that if it should be proved that the gross expenditure of a candidate was of such an amount as in the opinion of the judge to be unreasonable or unnecessary, without any inquiry as to the character of the expenditure, or the manner in which it had been expended, and without any proof that it found its way, or any part of it, into the hands of any voter, the election should be voided on the presumption, I

Sir *J. S. Wilies.* Knight.

29 June 1869.

suppose, that it could not have been an honest expenditure?—I think the judge ought to come further to the conclusion that it was done in order to affect voters.

10750. Then you would not rely simply upon the excessive amount of expenditure?—I think that would be evidence for the judge that it was done to obtain votes, and with respect to those circumstances I should arrive at the conclusion that it was done to make a glitter and a show, and induce people to vote for a man, because he was thought to have a great deal of money.

10751. You would take it as *primâ facie* evidence of corrupt expenditure, leaving it to the candidate to rebut that presumption if he was able to do so?—Yes.

10752. *Chairman.*] There was another point, I think, which Mr. Baron Martin said you had discussed with him this morning?—Perhaps I might now go on to the 23rd section of the 17 & 18 Vict. c. 102, about treating. I must mention with respect to treating that I do not believe in a man's vote being influenced,—this again is my private opinion; I have no experience in these election matters in any way except what I have picked up upon this last circuit, —I do not believe that a man's vote is influenced by treating any considerable time before the election. I have a notion, going back to the time when I might have been influenced by a person giving me a good dinner and good wine, that if a man plied me beyond what was hospitable, with a view to get my vote, I might be very much in his favour in the evening, but next morning I should be very much turned against him, and I am satisfied that a month after I might think him a contemptible person for having tried to win me so. I believe that the people who have votes are a great deal shrewder as to these matters than many give them credit for. I do not believe in the effect of treating people a long time before the election; but with respect to numbers of those who have been put upon the register under the Act of 1867, to speak plainly, I do believe in the effect of treating upon them whilst the simmer is on, and I should say with respect to that 4th section, that it seems to me to be too straight-laced, by reason of making corrupt intention essential; and with respect to the 23rd section, it has two defects; first of all, it is limited to the day of the nomination and the day of the poll. I think that is too short; I think a week at least might be allowed for the effect of the treating, and I also think that the 36th section, which at presents annuls an election on account of treating within the 4th section only, ought to be made to include the 23rd section, and that any person who gives voters drink within a short time before the election on account of their being voters, whether with a corrupt intention or not, ought to be held to do a thing which is so suspicious and so likely to lead to ill consequences, that his election ought to be voided.

10753. Mr. *Villiers.*] It must be more or less, must it not, with a view to influence a voter if you treat him?—Yes; not if you give money more or less. Litigation that can be avoided is a very bad thing; litigation, under this Act of 1868 especially, is to be avoided, and even the occasion of it is to be put down.

10754. Do not you think that the Legislature may have had a two-fold object, reducing the expenditure of the candidate as well as preventing corruption amongst the voters?—Certainly.

10755. Ought not you to discourage as much as possible anything that is unnecessary in the way of expenditure?—Undoubtedly, otherwise you give a rich dullard the advantage over a poor man of intellect.

10756. Sir *George Grey.*] Am I right in supposing it to be your opinion that the word "corruptly" should be removed from the 4th section of that Act?—I think so; but that would hardly do enough, because it goes on to say, "in order to induce him to vote." My opinion is, that a man who gives another meat or drink, in order to induce him to vote, does act corruptly in doing so, because he must know that he is acting against the law.

10757. If the word "corruptly" were left out, and that part of the clause were read in this way, "For the purpose of influencing such person to give or refrain from giving his vote," do you think that it would be enough without the word "corrupt?"—I think not; I prefer the language of the 23rd section, which says, "on account of such voter having polled or being about to poll;" and I would add, "or on account of his having a vote." That would put away all questions as to whether the drink was a sufficient inducement to a man to vote, which is one of the first difficulties that meets a judge when he is called upon to deal with a case of expenditure in drink at present.

10758. The effect of that would be to make the law as regards treating much more stringent and comprehensive than it is at present?—Yes. I believe, from what I have heard, rather than from what I have observed, that many candidates have acted upon that more stringent law, as being the true construction of the 4th section, and they may have suffered from it.

10759. You would also provide that an offence against the 23rd section should vacate the seat, as well as subject the offender to a penalty?—That it should vacate the seat as in the 36th section.

10760. *Chairman.*] Would not the mere prohibition of the use of public-houses for holding committee-rooms, and the closing of public-houses on the polling day, of itself do away with a very great part of the treating which now prevails?—I must say yes, if I am asked my opinion as to how, in fact, it would operate; but if the question means, whether I think it is practicable, that is quite another point.

10761. I want to know whether, from what you have heard, it did not appear that those two measures would do away not only with a large part, but such a large portion of the treating, that it would make it impossible?—The first measure seems to me good, if practicable.

10762. Would you consider such an enactment desirable?—I think it would do away with treating, but at the expense of inconvenience.

10763. Sir *George Grey.*] Do you not think that committee-rooms cannot always be held at other places than public-houses?—No; I have in my mind cases in which I am satisfied that candidates did their best to get school-rooms, and other such places, to speak in, and, I think, at the last moment they were driven into public-houses, as being the only places they could get to be heard in; in fact public-houses were forced upon them by necessity.

10764. Mr. *Villiers.*] Because it is still legal to

to hold committee-rooms at public-houses; but if it was forbidden, do not you think that rooms would very soon be provided for such occasions?—I have not sufficient practical knowledge to answer that question, but I would, if it were practicable, prohibit their being held at public-houses.

10765. *Chairman.*] Could you mention a place at which you were satisfied that they were driven to public-houses for the want of suitable accommodation?—Yes; Tamworth was one of those places; Sir Henry Bulwer went down to a place of the name of Fazeley, and tried to get a school-room, and was unable to get the school-room; it only turned out late in the day that he could not have it; and he then went to a place called the "Red Lion," as to which a vast deal of evidence was given, and then having once gone to a public-house, he went to another public-house, the "White Lion," I think, and went to public-houses and other places generally; at first he seems to have endeavoured to get a school, and I suppose, for some such reason as I have mentioned with respect to Northallerton, he could not get a school-room, and was driven to a public-house. The greater part of the evidence in that case consisted of evidence to show that a vast amount of drinking which took place at that and other public-houses was authorised by the candidate or his agent, and there was evidence on the other hand that it was supplied by the landlord without authority.

10766. Have you formed an opinion as to the present law of agency; would you like to see it altered in any manner?—I think that the present law of agency is quite intelligible, and quite just, and I should think that the Legislature must have had it in mind in framing the Act of 1868; and there is not only a series of decisions by Parliamentary Committees, to show that the law laid down by the judges has been according to the current opinion correct, but there is also an inference to be drawn from the 44th section of the Act of 1868, which, in describing certain persons by whom a Member is to be bound, says, "as a canvasser or agent for the management of the election." The law acted upon by the judges was, that a person employed to canvass is *primâ facie* an agent, who, if guilty of corruption in the course of the canvass, binds his Member to the forfeiture of his seat. That seems to be very much what the framers of the 44th section had in mind. As to what follows, "For the management of the election:" there would be an agent for the general management of the election as to whom there could be no doubt of agency; and if he were the agent for some particular department, in that department the Member would be answerable for the manner in which the agent conducted the business, or to put it in legal phraseology so long as what he did was an act intended for the benefit of the Member and in the course of his employment, the Member is bound by it, even although it should be done wrongfully as far as the general law is concerned, and even wrongfully as being against the authority of the Member, not in order to punish the Member, but in order that there may be a pure election, to hold terror over people who might be disposed to play tricks for the benefit of their employer, and to make candidates careful whom they employ.

10767. Sir *George Grey.*] Had you any difficulty in applying the law of agency to the evidence which was brought before you on the petitions which you tried?—No; at first, not being accustomed to try questions of fact, I had considerable qualms as to decisions upon questions of fact, and I may say that I acted upon the rule *in dubiis quod minimum* to begin with; but after having gained more experience in deciding questions of fact, I felt no difficulty in applying the law of agency.

10768. Do you think that the law of agency, as applied to Parliamentary elections, is substantially just?—I think it is just.

10769. Mr. *Villiers.*] Do you think that it affords sufficient protection to the candidate?—I think that it affords as much protection to the candidate as is consistent with having a pure election.

10770. He cannot protect himself against a dishonest agent; that is to say, a man who gets employed and then betrays him?—No; no more than a shipowner employing a master who runs down another vessel by misconduct can be protected against the consequences of that misconduct.

10771. If it were proved to you that a man actually had been employed as an agent, and that he had deliberately communicated with the other side, and committed some act of bribery to void the seat; if that had been brought before you should you have decided against the seat, or should you have deemed it insufficient to void it?—I should say that I certainly would not avoid the seat, for this reason, that fraud avoids all acts as against the fraudulent party. What he does must be within the general scope of his authority, and must be done for the benefit of his principal; but immediately he sells himself to the other side, he does some act in pursuance of a design of his own and for his own benefit, and then the principal is rid of him.

10772. But the evidence would be good, supposing some illegal act had been done to which he was a party, and he sells himself, or at least he conveys the information to the other side, that evidence being submitted to you would be sufficient, would it not; you would not look to the motive?—If confirmed, because I should say, "Here is a person who sells his evidence, and I will not act upon his evidence unless it is confirmed." I should probably say so. In a civil case you would not be bound to say so, but in a criminal case the jury would say so; it would be very difficult to give a universal answer, but, as a general answer, I should not rely upon the evidence of such a person, simply because I should account him unworthy of credit.

10773. It would be bad evidence, from the fact of his having been the guilty party himself?—No.

10774. It is assumed that he was an agent?—No; we admit that evidence, even in criminal cases, only the jury require it to be confirmed.

10775. Supposing a man, who is not an agent, commits any number of illegal acts on behalf of some friend, or on behalf of the candidate who is his friend, would that, in your view, invalidate the seat?—Yes, if his acts were so numerous as that you could say that there had been general corruption.

10776. Supposing a stranger enters a borough during the contest, and professes great interest in one of the candidates, and begins to expend his money freely, and to do sundry illegal

Sir *J. S. Willes*, Knight.

29 June 1869.

illegal acts, and it is shown that this man has no recognised connection with the candidate, and there is no evidence of agency, but yet that illegal acts had been performed by him, would that invalidate the seat?—You must divide it into two heads: as matter of law, it would invalidate the election, if what he did amounted to general corruption. I will take an instance: take a small place; I wish to favour one of the candidates, and I go there with 2,000 *l.* in my pocket; I go through the streets at night, when the people are returning from their work, and I have somebody to nudge me and tell me who is a voter, and then I slip a sovereign into the hand of each one of them, and say, take care of so-and-so, whoever the candidate happens to be. If I were to do that, and to spend 2,000 *l.*, no election could stand for the person for whom I did it, even although it was proved to demonstration that I was not his agent, and that he never wished me to be one.

10777. Supposing that instead of doing it in that clumsy manner it was done more effectually and carefully, yet being only a stranger, and choosing to spend his money in that way, or to use particular influence other than money, for the purpose of influencing the election?—If it be general corruption, then, in point of law, the election is avoided, for the reason stated by my Brother Martin with respect to Beverley. But further, if I found a person spending a large sum of money in favour of A. B., although I thought it did not amount to general corruption, if it was so large a sum that it was highly improbable but that it came from some person who was connected either with the candidate or his agent, I should conclude agency from the fact of the extreme improbability that anybody but an agent, or a person conniving with the agent, would have spent so large a sum in favour of A. B.

10778. Then it would be a constructive agency, and you would apply that to the seat, that is to say, you would apply the law assuming that the man was an agent?—Yes, concluding that he was an agent.

10779. You would assume that though there was not the least proof of agency, that he would not spend his money in that way without being an agent, still, for the very purpose he had in view, he would take care how he spent his money, and would be careful that you should not be able to say that he was an agent?—If I could not come to the conclusion either that he was an agent, or that there was general corruption, then his bribery would not avoid the election.

10780. How would it be with respect to intimidation; supposing any number of owners of land, or owners of houses, were to use their influence to induce men to vote for a candidate, and those persons should not even be known to the candidate, but that they had a preference for one colour over another colour, and to threaten those people that they would be turned out of their occupation if they did not vote for the persons they named, and evidence is laid before you of such influence so used, how would you regard it under the section against intimidation?—I should apply the same rule, only substituting intimidation for bribery. One ought to think of a third case, and that is, as to the effect upon the poll; of course, if it affected the poll, all the votes that were bribed would go off the poll.

10781. I am only speaking of one kind of intimidation; and I assume that people have used it, but with no connection whatever with the candidate?—The effect upon the poll is one thing, and the effect upon the election is another. Of course all the votes of bribed people, whether they were bribed for the person they voted for, or for the person against whom they voted, must go off the poll.

10782. That is supposing there was a scrutiny afterwards; but is there any responsible relation that you would assume to exist between such a person intimidating the tenant and the candidate?—I think there must be shown to be agency, or there must be shown to be intimidation so general as to affect the election.

10783. But particular intimidation may be exercised without the candidate suffering from it in any way?—Particular intimidation might be exercised. I know a landlord who gives a supper to his tenants upon the occasion of an election, but I cannot conceive that that would affect the election. Even assuming it to be treating, I cannot conceive that it would affect the election of the candidate for whom he voted, unless you could prove that such a person was an agent.

10784. Do you think that you could form any just idea of the general character of a borough from evidence that was submitted to you, considering that it is evidence only partially selected?—I think I could form a general, but not a complete one. In any proceeding of that kind, where peoples' passions and interests are so involved, at some period of the proceedings, which last over several days, there would be sure to come out something to show the judge if he had a feigned case before him. I think the judge generally must be able to make a pretty good guess, but not sufficient to arrive at a judicial conclusion as to what was going on in the borough.

10785. Do you consider that the inquiries that are now being instituted by judges after the elections are very imperfect in their character?—Yes, subject to what I was going to suggest, with reference to the fourth point, which I intended to draw attention to presently.

10786. I am referring to what Mr. Baron Martin said, that he was not able to follow up the inquiry into matters which might have disclosed a much more extensive system of corruption at Norwich and other places; you do not exactly believe all that is alleged before you, unless it is properly supported, and you do not profess to have what you may call an original jurisdiction upon the matter, for you do not institute any inquiry, you only listen to what is alleged before you, and that evidence usually from questionable sources?—I think that is not quite all; and with regard to that point, I may refer to a section of the Act of 1868, which seems to bear upon it. It is Section 32, and by that section on the trial of an election petition the judge may order any witness to attend, and he may examine that witness so ordered to attend, and direct his expenses to be paid. That section is a novelty. Generally speaking the judge is to listen to the evidence which is brought before him by the parties, and he is not to cast about for witnesses.

10787. This section, however, does give him the power?—Yes. He may suggest, of course, that such-and-such witness ought to be called by such-and-such parties, but, in ordinary cases, a judge would

would be doing wrong if he were to call a witness of his own head, because he does not know the character of the person; he has no brief, and he does not know but that he may seriously injure the party in whose favour he may call the witness. It would make him a sort of litigant, whereas each of the parties is considered to be the *dominus* of his own case. This section altered that law in the particular to which your question is directed. It does apply so as to enable a judge where a matter is left doubtful upon the evidence, and where it is clear that a little inquiry may set it right, to say for instance to the inspector of the police, "You go to such a place, which has been mentioned, and see whether A. B., who is said to be away from home, really is away from home, and if he is there bring him here by gentle persuasion, and if he will not come I will issue my summons and have him brought here to be examined." And so to follow out some clue of evidence that has been presented, without tracing which to the end the judge cannot satisfactorily, to his own mind, decide the question which had been submitted to him by the parties, so far the 32nd section is sufficient. If you refer to the case of the Coventry election, you will find at the end of the judgment in that case a description of what resulted from having adopted that course. But then comes this sort of case. I will suppose some great proprietor, or employer of labour, to be guilty of a gross case of intimidation, and the judge's back being set up by it, and his feeling not only that it was a thing to observe upon from the bench, but that it ought to be exposed as an example, the judge has no power to put the 32nd section in force, although one cannot conceive of a case more proper, if the judge ever is to be turned into a prosecutor or inquisitor. No such case could be properly tried without a regular prosecution. What I should do in such a case as that would be to report to the Speaker that such a case had arisen, that it was expedient that the person should be made an example of, and that it should be submitted to the wisdom of the House whether they would not take steps to have the matter placed in the hands of the solicitor to the Treasury.

10788. In the report which you have made where the seat has not been voided, I think that you have not mentioned what you have observed with respect to the character of the witnesses, or indeed with respect to the character of the proceedings?—No; the case I put was an imaginary one, in which the judge ought to go out of his way if he were to be a censor, and not a judge, to notice a case of oppression.

10789. The real issue before you is the validity of the return?—Yes; the validity of the return; and I will conclude what I have to say upon this by observing, that if such a power is to be exercised by the court, it could only be at the instance of a public prosecutor; there is the Queen's Proctor to watch the Divorce Court, and it does seem strange if Parliament wished that done under the 32nd section, that with respect to the proceedings in the Divorce Court, all the expenses of secondary inquiries to enable the court to come to a right conclusion are to be defrayed, but that the election courts have no such officer. I do not recommend the appointment of one, but would leave such work to Commissions.

10790. Sir *George Grey.*] In the case of Norwich, which was referred to by Mr. Baron Martin, there was a cheque drawn by a person who was known and which was ascertained to have been cashed, the cheque being paid in 400 half sovereigns, notoriously for the purpose of bribery; what was there to prevent the judge in that case sending for the person who signed the cheque, and examining him with a view to ascertain in whose behalf he signed it, and who it was paid him the money?—I do not think that there was anything that prevented his doing it, but I think that the judge would be going out of his way in doing more than he did, because upon the evidence at Norwich, as it stands, it is clear that the judge could arrive at no other conclusion than that there was bribery, and bribery by a person connected with the Member's agent.

10791–2. Do you think that it is not right for a judge to act under the authority given by that 32nd section, except with a view to determining the precise issue which he has to try if he has made up his mind that he should not prosecute the inquiry further?—I think not, for one reason, amongst others, and that reason, although it is only a pecuniary one, would be sufficient to induce me not to do that which I was not bound to do in point of law; parties are put to very great expense by those inquiries, and it might take two or three days, or even weeks, to investigate the collateral matter, and the parties would be bound to attend with their counsel, and with their witnesses, in order to protect themselves against any possible conclusion at which the judge might arrive if he took such a course. Unless that is by law my duty, I think it is my duty to avoid imposing such a hardship.—(Sir *Samuel Martin.*) Perhaps I may be permitted to observe with respect to what Mr. Villiers was asking my Brother Willes about with regard to the interference of the judge, when parties to a suit were made witnesses, which is within the memory of all the Members of the Committee, it was supposed that there would be a good deal of perjury; and as a mode to prevent that, it was enacted that a judge should have power to direct that persons who gave false evidence should be prosecuted for perjury, and several provisions were made about it, and, amongst others, there was one that it was not to be stated to a jury, and that the matter was directed to be done by the judge; it is true that a vast deal of perjury has been introduced into this country by that law; when that law first came into operation several of the judges, and amongst others myself, committed persons for trial, but it was found utterly unavailing; the first thing that counsel did who defended a person, was to make out that the judge had ordered it, and then it was stated as a case of oppression, and therefore it turned out that the man was universally acquitted; so far from its being found any benefit or advantage, it was found to interfere with the real course of justice; I am satisfied myself that if the judge were to interfere in matters of that kind it would be found to have the effect that you expect.

10793. Sir *George Grey* (to Sir *Samuel Martin*).] I want to know whether in the Norwich case, if you had been in doubt as to whether the agency for the sitting Member had been proved so as to bring home bribery to him, you would have felt yourself authorised under that 32nd section to call a witness with a view to ascertain whether he was in any way connected

Sir *J. S. Willes*, Knight.

29 June 1869.

nected with the sitting Member?—In that particular case if I had had an idea of any man in Norwich who could have given me information I would have had him called, because the person who was called as a witness was the man who presented the cheque, and the man who drew the cheque, and he was the person who proved the getting of the money. It was said to be an accident, but the clerk who paid him happened to be in court, and thereupon they called him next, and he, the clerk, gave an utterly contradictory account of how the money came to be given; but when those two witnesses were gone it was all exhausted, and that was all the information that I could get. I could not fix anyone whatever. The man said that the money was all spent for the private purposes of his inn, and so he was exhausted. Whether he spoke truly or falsely he knows best.

10794. Was there no other witness that you could lay your hand upon?—No, if I had had the least idea of any person who could have thrown any light upon the transaction I would have had him, for I was very much struck with the circumstance.

10795. Mr. *Edward Egerton.*] You exhausted the evidence of the man who drew the cheque?—Yes.

10796. You found that he kept an account at the bank?—Yes, the man had kept an account there. It was a check drawn by the innkeeper of the principal inn in Norwich.

10797. Sir *George Grey* (to Sir *James Willes*).] You have some alterations, have you not, to suggest in the 32nd section?—I think it is rather a matter of policy, and I do not recommend it, but only suggest that if the House wishes that a judge should be a censor or an inquisitor he ought to be furnished with a solicitor in order to make the 32nd section effective. I may further add that that is not the only section to which I refer. The 56th section is as to the Crown issuing a Commission upon the requisition of two electors, but there is, I need hardly say, the power of issuing a Commission upon the report of the judge, and under that Commission, if issued, a course may be taken which, as it appears to the judges who have hitherto conducted those proceedings, they ought not to take under the 32nd section, and that is to enter into a collateral inquiry into matters which it is not in the power of either party, but only of the Crown upon the address of both Houses, to issue Commissions to investigate. Commissioners have the means of collecting evidence through their secretary in the first instance; the judge has not.

10798. Mr. *Hunt.*] Mr. Baron Martin mentioned that you had made a suggestion to him that there might be a provision that the seat should be avoided upon the proof of unreasonable and unnecessary expenditure, even although it had not taken the form of bribery. What is the exact nature of your suggestion upon that point?—Nothing beyond declaring it, or if that be considered an inconvenient mode of legislating, enacting over again with an enlargement the 3rd sub-section of the 2nd section of the 17 & 18 Vict. c. 102, that is to say, that any extravagant expenditure of money in the sense of an unreasonable and unnecessary, or you may add of an unusual, kind by the candidate with a view to produce an effect upon the mind of the voters, and procure votes for him, should avoid the election.

10799. You would leave it to the judge to say whether the expenditure was unreasonable and unnecessary?—Yes.

10800. Might not the judges take a very different view of what was reasonable and necessary?—I think they would not; perhaps there might be a difference between them; but speaking of cases in which there really was an extravagant expenditure, I do not think that the judges would doubt. For instance, take this sort of case; take a case which I tried, in which two candidates were well known in the place, and the third was a stranger, who certainly went to a great deal of expense in introducing himself, by getting places for meeting, and making speeches at them, and so on, and in which his expenses were in hundreds, and I think must have come to nearly double those of either of the other candidates. I should not have said that that was an extravagant expenditure, because, coming from a distance, and being personally unknown, it was natural that he should have canvassed longer and spent more money in getting up meetings at which his qualities might be put before the electors; but if one candidate spends 500*l.* at an election, and another spends 5,000*l.*, one could not hesitate for a moment, unless some very distinct explanation were given.

10801. Mr. *Edward Egerton.*] Did I rightly understand you to say that you were satisfied with the law of agency as regards Parliamentary elections?—Yes.

10802. Do not you think there have been certain cases of hardship in many decisions by which a man is bound by the acts of his agent, for which he had given no authority whatever?—I must resort to the saying, "Hard cases make bad law." Hard cases will occur, but this is a case in which you must take care to keep the inferior agents in order, and you can only do that by terror; and the most wholesome terror you can hang over them is, that they will defeat their object if they break the law.

10803. Mr. *Cross.*] Do you know whether the Irish judges have taken the same view of agency as the English judges have?—Yes, thoroughly so: I observe that Mr. Justice Keogh, in one of his judgments, has gloried in the fact of the judges on both sides of the water having arrived at the same conclusions.

10804. There was a question asked by Mr. Hunt of Mr. Baron Martin about intimidation by ecclesiastical persons or spiritual intimidation; has such a point arisen in Ireland?—Yes, it has arisen there; you will find that Mr. Justice Keogh in the Drogheda case, page 324, deals very ably with that, and lays down very clearly that spiritual intimidation is within the 5th section; and I may add to what he said a very obvious illustration; as children are more afraid of ghosts than of being whipped, and inasmuch as whipping is intimidation, of course it is intimidation to say you shall be locked up in a dark room where you will see a ghost; and with respect to grown-up people, who are only grown-up children, those who believe that a certain ordained officer has power to affect what will become of them in a future world, and who are led to believe that he will exercise that power to their disadvantage unless they vote in a particular way, are very much in the same position as the child, who is more afraid of a ghost than of a whipping; and you must deal with people as they are.

10805. The

10805. The expenses of those inquiries before the judges have turned out to be very large, have they not?—Yes; I only speak from what I have observed in the law papers. I think at first it was supposed they would be more expensive than the proceedings before Committees, but I observe that latterly, since a number of bills of costs have been taxed, the profession have rather altered their tone in that respect.

10806. Could you make any suggestion as to diminishing the expense of these inquiries in any way?—I am afraid not; I think that that must be left to the taxing officer and to the judges when they have acquired more experience, and are able to form a judgment as to what is a reasonable scale of expenditure. If you refer to the 41st section of the Act of Parliament, it provides for rather a large scale of expenditure, because it speaks of costs being taxed upon the same scale as between solicitor and client in the Court of Chancery; and I need not tell the Committee that that is at once suggesting that there ought to be a very liberal allowance of costs. The judges have not yet felt themselves enabled by the amount of experience which they have had to frame any scale. We took pains, and Master Gordon took great pains, to get information to enable us to frame a scale; but after staying awake over it for some time, we thought it better to let the thing work itself into something like a practical shape, by seeing the result of the actual bills of costs before we ventured to lay down any rule.

10807. At present you are not prepared to suggest any alteration in the mode of taxing?—No, I think that must be left to the discretion of the judge and the taxing officer.

10808. Sir *George Grey.*] Have the taxed costs fallen very far short of the actual expenditure of the parties in petitions?—I am not able to answer that question, but I should think they did. There must have been a great number of collateral inquiries through agents that are not properly law agents, for the purpose of watching people, a detective system as it were, to find out bribery on the other side, and so forth.

10809. Is that a just comparison which is made between the taxed costs on petitions tried before a judge, and the actual costs incurred when petitions were tried by Committees?—Some costs, I take it, would not have been allowed by the Taxing Master of the House of Commons any more than by our officer; though they are occasioned by the election, they are not properly the costs of the petition.

10810. Have you formed any opinion as to the comparative expense of the trial of a petition before a judge, and the trial of a petition before a Committee, taking into account the whole of the expenditure, irrespective of taxed costs?—I cannot give any opinion of my own, but only what I collect from the papers. At first it was suggested that the expense of the proceedings before the judges would be more than the expenses before Committees, but I see that latterly some copies of bills of costs that have been taxed have been given, and a contrary opinion has been expressed, that they are rather less expensive. Witnesses made a chief item of expense, and they are now examined on the spot where most of them live.

10811. Mr. *Cross.*] I think you said there was some difficulty at first in deciding upon questions of fact in these election matters?—Yes, in my own mind there was.

10812. Would it, or would it not, be convenient or satisfactory to a judge to have, say four Members of the House, associated with him?—Beyond anything. I think two would be sufficient; four would be too many, because you could not well talk to them if there were two on each side. The sort of person that occurs to me at present, is Sir John Duckworth. I do not exactly know what position he occupies, but I think he assists the House in an office in which former Members of the House are engaged, as a referee. I should like very much if there could be an officer of that kind, not chosen as a lawyer, but chosen as a practical man.

10813. Sir *George Grey.*] Should he be a Member of the House?—I should not object to a Member of the House.

10814. But not necessarily a Member of the House?—No, not necessarily a Member of the House. I mentioned Sir John Duckworth, because I believe he was a man of great experience as a Member, and was selected to fill the position of referee in consequence of that, and I suppose there are a great number of others.

10815. Mr. *Cross.*] I was rather putting it, that two or more Members of the House, an equal number on each side, should be chosen to decide those matters of fact, the judge sitting as assessor?—It would be the greatest possible relief to me personally, and would, I think, very much fortify the tribunal.

10816. Sir *George Grey.*] Merely to give an opinion upon matters of fact?—Yes, merely upon matters of fact.

10817. What would you say in the case of an equal division?—Then, I think, you would have to give the judge a casting voice. I think a judge is a sort of personage that people would be satisfied should have sway if there were to be a division.

10818. Mr. *Cross.*] But would you still have the inquiry local in the town?—I think that the locality of the inquiry is very important.

10819. Mr. *Hunt.*] At the places where you have held inquiries, have you heard satisfaction expressed at the inquiry being on the spot?—I think it must be so. A man connected for a moment with a cure is sure to vaunt it, so that I can really hardly answer that question. I think, so far as I can judge, there has been general satisfaction expressed with the working of the Act; and I think even those who are against it say it is rather better than matters were before, but beyond that I cannot say.

10820. Mr. *Whitbread.*] I wish to call your recollection to an answer which you gave sometime ago, in which you said, I think, that expenditure for drink by a publican, with the hope of getting it paid by a candidate after the election was over, if it was so paid by the candidate, probably would invalidate the election?—Ought to invalidate the election. I said that the better opinion was that such ratification would be equivalent to the original treating. There is a ruling of Baron Alderson's, at Nisi Prius, to that effect, and it has been so dealt with I observe in the books (Bayntun *v.* Cattle, 1 Moody & Robinson, 265, 269). I think the tendency of opinion is so. I should like to consider the matter, if it arose before me, a little more before delivering judgment upon it; but that is my impression.

10821. You think that that case could not be tried

Sir *J. S. Willes*, Knight.

29 June 1869.

tried if the judgment of the election judge had been given upon a petition?—No, not under this Act.

10822. Is it sub-section 13 of section 11 which leads you to that conclusion?—No, it is because there is no section in the Act to the contrary, and the general rule is that a judgment once pronounced exhausts the jurisdiction of the judge. There was an instance in which a county court judge refused a new trial, and afterwards changed his mind and sent for the parties, and said, "I grant a new trial;" but he was prohibited from doing so, because having once expressed his opinion judicially, it being a case in which there was no appeal, his functions were exhausted.

10823. Will you refer to section 6 of the Act of the 31 & 32 Vict. c. 125, which speaks of any payment made "in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within 28 days after the date of such payment"?—That refers, I think you will find, to bribery only; at least, I have read it so. "The petition shall be presented within 21 days after the return has been made to the clerk of the Crown in Chancery in England, or to the clerk of the Crown and Hanaper in Ireland, as the case may be, of the Member to whose election the petition relates, unless it question the return or election, upon an allegation of corrupt practices." You find it begins with that, but now read on and see how it is pointed: "and specifically alleges a payment of money or other reward to have been made by any Member, or on his account, or with his privity, since the time of such return, in pursuance or in futherance of such corrupt practices; in which case the petition may be presented at any time within 28 days after the date of such payment." I believe that the true construction to be put upon that is, that it applies to the case of bribery only. It may be that what has crossed your mind that it applies to payment for drink would fall within this section, but my impression is that it is limited to bribery.

10824. Assuming that it is limited to bribery, do you think that sub-section 13 of section 11 would prevent a second petition being presented for it, assuming that the payment was made after the first petition was tried?—Yes, and I think you will find that that opinion was expressed in effect by the Court of Common Pleas in the second Taunton case (not reported amongst the judgments printed for the House), in the 38th Law Journal, Common Pleas, 195.

10825. Do you think it would be desirable to alter the law, so that at any time if a corrupt act is performed it should be within the power of an elector to present a petition?—I think the answer to that would be, that if it were what lawyers call *res noviter ad notitiam veniens*, if it was matter discovered of so secret a kind that no diligence could have brought it forward in the first instance, it might be proper that it should be brought forward, and perhaps in punishment of the Member, if it should turn out to affect him personally, it might be allowed to be brought forward at any time. But this second clause of the 6th section is only in pursuance of, and an adoption in substance of, the Sessional Orders of the House, made, I think, even before the Grenville Act, and certainly made ever since the Grenville Act.

10826. I will assume this case. Supposing a petition is presented and tried against a Member, and that he does not lose his seat under this Act, do you think it possible that he should pay there and then to a large class of voters, to the freemen or any other class who may be supposed to be more corrupt, head-money, and that he could not be brought to account for it?—He probably could under this Act, in case of bribery. You will observe that bribery is divided into two heads. It speaks of personal bribery, a payment to anybody in order to obtain his vote, and a corrupt payment to anybody of money, because of his having voted.

10827. You think, then, that a second petition could be presented?—I think that that second case is what is struck at by the sub-section to which you refer; the second sub-section of the 6th section.

10828. You do not think that this 13th sub-section of clause 11 would prevent the presentation of another petition?—I think not in that particular case; I should think that it must be read with the exception of the 2nd section.

10829. Sir *George Grey.*] Do you think that the second sub-section authorises two successive petitions to be presented, or only allows a petition to be presented within 21 days, and within 28 days of the disclosure of any corruption, in the event of no previous petition having been presented?—That is a very nice question; but my impression is, that in odium of corruption that second clause of the 6th section ought to be read so as to allow of an independent petition being presented in case of a corrupt payment in respect of a person having voted.

10830. Although the determination of the first petition is expressly stated to be final to all intents and purposes by the 11th section?—It is final of that petition, and it is final of what could with due deligence have been brought forward under that petition; but I must speak with great reserve upon this point, referring, as before, to the second Taunton case.

10831. Mr. *Whitbread.*] As a matter of opinion, if it is so in a case of direct bribery; do not you think that the Act should be extended so as to include the case which you referred to before, of paying a publican after the petition had been decided, for treats that had been given during the election?—I must at once admit that I do not look upon treating as so hateful a thing as bribery. I rather sympathise with the distinction. Unless treating can be brought forward in time for an ordinary petition, I think it wiser to say no more about it; but with respect to bribery, whenever it is found out for the first time it ought to be brought up.—(Mr. Baron *Martin.*) With reference to what you have been asking Mr. Justice Willes, you must take into consideration a matter not contained in the Act of Parliament at all. It is a principle of the law of England, that when once a transaction has been investigated and ended, the circumstance that some things are not known and not produced at the investigation, has no effect whatever upon it. As a general rule, the law of England treats a thing, when once determined, as being ended. For instance, if an action be brought against a man and he had the best possible defence to it, but he did not happen to make use of it, and it was not brought forward, by the law of England, when once a decision was come to, the circumstance of that evidence existing has no effect whatever. When once a thing is brought forward and tried there is an end of it.

10832. Mr. *Whitbread* (to Sir *James Willes*).] But the question was, where acts had been done after the petition had been decided; and I want to know whether you have considered that clause as to the possibility of a new petition being presented?—I should assent to what my Brother Martin says; but, with the exception of *res noviter ad notitiam veniens*, which is excluded by a technical rule of common law after judgment, but may be considered upon a rehearing in other tribunals.

10833. Sir *George Grey*.] In the case supposed it is not what comes to knowledge recently, but the act itself has not been committed until the Member thinks that it is quite safe, the petition against him having been decided?—My impression is (I must state it with reserve, because others have to form an opinion upon it and to correct it), but my impression is, that that second clause of the 6th section means to give an independent petition in respect of an act done after the election, and that the act so pointed at is a corrupt payment under the 2nd section of the 17th & 18th of Victoria, chapter 102, as a reward for having voted. I incline to think that that is a ground of an independent petition, and I should think that it was not controlled by the 13th clause of the 11th section. I ought to add, in explanation, that this all turns upon whether section 6, sub-section 2, gives, as I have hitherto supposed, an independent remedy in respect of a new act of bribery after the election, or only extends the time of petitioning in respect of corrupt acts complete at the time of election, but followed out by subsequent payment. Upon reflection, I am not at all sure but that what Mr. Whitbread suggested is the correct view. To prevent doubt, the section ought to be amended.

10834. *The O'Conor Don*.] In case a candidate is defeated at an election, and petitions against the successful candidate, but does not pray for the seat, is it the case that there can be no inquiry at that election trial into the conduct of that candidate?—That is so.

10835. And although that candidate may have been guilty of corrupt practices himself, he is eligible to stand again as a candidate for the borough or county?—He is.

10836. And supposing he be successful after that petition has been tried, can a petition be presented against the second return for acts done at the first election?—Yes, provided it be during the same Parliament. If you observe, the 36th section says, if he "shall be declared by any Election Committee" (that means now the judge) "guilty by himself or his agents of bribery,' &c. "at such election, such candidate shall be incapable of being elected or sitting in Parliament for such county, city, or borough during the Parliament then in existence." The result of that is, that if you have not an opportunity of bringing the matter forward against him on the first petition, you may bring it forward against him if he subsequently becomes the Member; and that has been repeatedly held by Parliamentary Committees.

10837. You think that that clause in the Act would render him incapable of sitting for any constituency, as guilty of any act of corruption at any election fully justifies presenting a petition, or else calling for inquiry into acts at the previous election?—Clearly, I think if you look at the second Taunton case (38 Law Journal, Common Pleas, 195), you will see that the second petition against Mr. James failed expressly upon the ground that he might have been assailed upon the first petition because he claimed the seat; and the same rule applies to any election during the same Parliament.—(Mr. Baron *Martin*.) That rule also was acted upon with respect to Mr. Forster; he what is called vacated his seat by accepting office, and he was elected without opposition. They immediately presented a petition against him, founded upon the supposed illegal acts practised by him at the preceding election in November, and if that had been established against him, he would have been disqualified from sitting in Parliament during the present Parliament for Bradford at all. A petition actually was presented, though not acted upon.

10838. (To Sir *James Willes*.) Supposing there are two candidates on the same side sitting for a borough in which there are two seats, and supposing they had but one committee, and employed the same agents, and that one of those candidates is successful and the other is not at the election, and a petition is presented against the successful candidate and he is unseated for bribery, and he of course is therefore incapable of sitting again, would the other candidate who employed the same agents be incapable of standing as a candidate at the next election?—He could not hold the seat upon petition, if one of his agents had been guilty of bribery at the first election as his agent; I assume from the question that the candidates had a common cause, because their committees were the same and their agents the same.

10839. I am assuming that there are two candidates, A and B, standing for a constituency C; and there are two seats; A is successful, and B is unsuccessful, but both A and B have employed exactly the same agents, and have had the same committee: A is found guilty of bribery through his agents, and A is therefore incapable of standing again for that constituency. Can B stand again for that constituency at the new election, by the fact of his not coming before the judge at all?—No, for this reason, that bribery committed by his agents at the first election may be brought up against B upon a petition during that Parliament.

10840. In this case B is capable of standing, but a petition may be presented against him for acts committed at the previous election?—Yes.

10841. Upon the trial of the petition on the second election, would the decision on the first election be in itself sufficient to prevent his standing again?—The law is clear, that during the same Parliament a person who has been as a candidate guilty of bribery at an election cannot hold his seat against a petition, and that if he be returned you may bring up against him anything that he has done at any former election which could not have been brought up against him upon some former petition.

10842. In the case that I have put, would it be necessary to go into the trial of the whole case again, or could the decision of the judge, we will say in the first election against his colleague, who had the same agents as himself and the same committee, be put in as a final decision against him?—No, it would be *res inter alios*; it would have to be all tried over again. The decision of the judge would be final as to the last election, because, as to that, it would be a decision *in rem*; but

Sir *J. S. Willes*, Knight.

29 June 1869.

but his decision as to the conduct of the parties would be irrelevant; it would be a matter to be litigated between other parties.

10843. Sir *George Grey* (to Sir *Samuel Martin*).] You stated that you tried 13 cases?—Yes.

10844. And Mr. Justice Willes 10?—Yes.

10845. In how many of those cases did the costs follow the result?—At Norwich they followed the result; at Bradford they followed the result; at Warrington they did not follow the result: it was voters who petitioned who had lost their votes which they had obtained for the first time. At Cheltenham the costs followed the result; at Westminster the costs did not follow the result; at Salford the costs did not follow the result; at Wigan they did; at Beverley they did; at King's Lynn they did; at Dover they did; and in the southern division of the West Riding they did not; it was a sort of compromise or arrangement between parties.

10846. Were costs asked for in all the cases?—In the southern division of the West Riding they were not; and they were not asked for in the Warrington case; they were asked for in the Westminster case to a certain extent. I think they were not asked for generally, but they were asked for upon the allegation that the Member, that is Mr. Smith, had charges made against him which were groundless, and that he had been put to great expense for the purpose of investigating them.

10847. (To Sir *James Willes*.) In how many of the cases that you tried did the costs follow the event?—In five cases the costs absolutely followed the event; in one the parties agreed not to ask for costs on either side; in one the costs of one Member followed the event, and the costs of the other were refused; in three cases the costs did not follow the event.

10848. In the majority of the cases the costs have followed the event?—Yes, that is the general rule.

10849. Mr. *Cross*.] You stated, did you not, that the law of agency was perfectly satisfactory?—I do not think I used that expression; hardly anything is perfectly satisfactory.

10850. But for all practical purposes?—Yes.

10851. As to what constitutes agency, is it satisfactory?—I think so.

10852. I think we have not had any evidence to-day about what constitutes agency?—You will find that discussed in a great number of those judgments. I think my Brother Blackburn has in one case expressed himself perplexed with the law of agency; but I must say that his decisions under that head are eminently satisfactory. I do not myself so much feel the difficulty. You have a man doing an act which is illegal; you have him doing that for the purpose of advancing the object for which he is engaged; would that act, if legal, have fallen within the general scope of his employment, so that his employer could not have complained of him? If it would, then, notwithstanding that it is illegal, the employer must stand the brunt of it.

10853. What constitutes an employment; a man merely being upon a committee would not make him an employé, would it?—I think that a man's being upon a committee is evidence of agency; but then you must come to the conclusion whether the man is a mere name; take the committee for the Oxford and Cambridge Universities, for instance. It is only evidence, but Lord Kenyon treated a person's acting on an ordinary committee as a proof of agency. May I add one word before I conclude; it is the only point upon which I have not been asked, and as to which I wish to say something; it is with reference to the 11th section of the Representation of the People Act, 1867. I do not know whether I ought to state it, but I think that that is an exceedingly lame section; it is the section which takes away votes from voters who are employed by a candidate at an election, but it does not avoid the election, and it does not include treating, and in both those particulars I should say that that section was nugatory. I think that there ought to be no payment or treating of committees or canvassers. I ought, also, to apologise, that I did not at an earlier part of my examination say that I thought that the pretence of giving committee-men reasonable refreshment ought to be taken away. What I refer to is the Representation of the People Act, 1867, chapter 102, section 11, "No elector who within six months before or during any election for any county or borough shall have been retained, hired, or employed for all or any of the purposes of the election for reward, by or on behalf of any candidate at such election as agent, canvasser, clerk, manager, or in other like employment, shall be entitled to vote at such election, and if he shall so vote he shall be guilty of a misdemeanor." At Southampton my attention was called to that section, and certainly it appeared to me to be quite insufficient, because the voters will vote, and it is a chance whether it turns up that they have been paid, and if it does turn up, then, for the reason stated by my Brother Martin, no one would take the trouble of indicting them.

10854. Sir *George Grey*.] The vote could be struck off on a scrutiny, could it not?—Yes; it could be struck off on a scrutiny, but it appears to me that the thing ought to be put down with a stronger hand.

10855. *Chairman*.] You think that it ought to avoid the election?—Yes, it ought to avoid the election; it involves colourable employment of the worst sort, for it gives plausible means of silencing voters.

10856. When you said that the section does not include treating, what did you refer to?—Because it says, "shall have been retained, hired, or employed for reward." By treating, I meant treating in the sense of paying a man in drink, and not in money.

10857. You would not allow any person to vote who had received drink or meat at the expense of a candidate?—No; for work done by him for the candidate.

10858. Sir *George Grey*.] How could you make the election void, supposing the candidate had no control whatever over the agents that he has employed; they may come up and vote without his knowledge?—If you will turn to the Lambeth case you will find what I mean. The Committee there had great difficulty in dealing with the case of a candidate who employed and paid certain of his committee-men, and certain of his canvassers who were voters, and they came to the conclusion that the case was not made out; unless the sum of money was so much larger than the services really represented that it was to be treated as a colourable employment.

Sir *J. S. Willes*, Knight.

29 June 1869.

10859. I am supposing a *bonâ fide* employment of an agent or a canvasser. Supposing that person who has been paid for his services comes and votes with the knowledge of the candidate, would you render the candidate's seat void on account of the voter who, under those circumstances, is guilty of a misdemeanor, without the knowledge of the candidate?—No, that would come within the 36th section as a misdemeanor, if it were with the knowledge and consent of the candidate or his agent. (Sir *Samuel Martin.*) I have reason to believe that you will find a book published in a very short time which will give you the whole of the statements of the three judges with respect to agency.

10860. Mr. *Hunt.*] Will that be with the authority of the judges?—It will be printed out of the published book of the judgments. (Sir *James Willes.*) It is in very good hands; it is by Mr. Chandos Leigh, a very competent man, who was counsel in some of those inquiries.

10861. Mr. *Whitbread* (to Sir *Samuel Martin*).] Do you see any objection to two questions being put to the voter by the returning officer, with a view to rejecting his vote; first, whether he has been a paid agent; and, secondly, whether he has received any money?—The first Reform Act gave three questions; but by 6 Vict. c. 18, in consequence of the inconvenience of putting questions at the poll, one of those questions has been struck out, which was as to whether the voter's qualification continued. I think that the general opinion is, that the fewer the questions put the better.

Friday, 2nd July 1869.

MEMBERS PRESENT:

Mr. Brand	Mr. Staveley Hill.
Mr. Cross.	Mr. Howes.
Mr. Edward Egerton.	Mr. Leatham.
Mr. Graves.	Mr. Locke.
Sir George Grey.	The O'Conor Don.
Mr. Gathorne Hardy.	Mr. Raikes.
The Marquis of Hartington.	Mr. Villiers.
Sir Frederick Heygate.	Mr. Whitbread.

THE RIGHT HONOURABLE THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. JOHN FOSTER VESEY FITZGERALD, was called in; and Examined.

Mr. *J. F. V. Fitzgerald.*

2 July 1869.

10862. *Chairman.*] YOU are acquainted with some of the Australian colonies, are you not?—I was Colonial Secretary in Victoria for a long time, and Treasurer, and I have acted as Returning Officer under the ballot, and have been elected both under the system of open voting and under the ballot.

10863. How long have you been acquainted with Victoria?—Since 1841. I was one of the earliest settlers there.

10864. When was the ballot introduced there?—The ballot was introduced there in the year 1856, I think.

10865. Have you formed any opinion as to the working of the ballot in Victoria?—Yes. Of course the Committee do not wish me to go into the details, as they have had them all from Mr. Verdon. I was present during his examination, and I corroborate everything he has said as to the details. There are one or two points which he scarcely brought out in sufficient relief, and in those I know that he quite agrees with me. I should wish to corroborate him particularly as to the absence of any venality in Victoria at any time either before or since the ballot. Anyone who knows the circumstances of the Colony knows that before the ballot was introduced, a seat in Parliament was no object to any man, and that nobody would bribe, and, as a matter of fact, bribery did not exist to any extent.

10866. Were there any corrupt practices which existed previous to the adoption of the ballot?—There was some mob intimidation on the day of the election, and, as you have heard it said, there was treating on one or two occasions, but I do not know that it went to any extent. My impression is that it did not, but there was decidedly mob intimidation at the taking of the poll, and once or twice very serious rioting.

10867. Have you formed any opinion as to whether there has been any bribery since the adoption of the ballot?—I do not think there has; I have heard of one or two cases, but very few; I do not attach any value to them. There was one man unseated for bribery, and a case of individual bribery was proved, but it has not been practised to any extent.

10868. Sir *George Grey.*] It was not the system before?—No; I think I can satisfy the Committee on that point at once. I know that Mr. Childers made a speech, saying that it was so, but I think he was mistaken. I was myself a member for several years, but it was a compliment to the constituency to go; the difficulty was to find a candidate. No man would have bought voters; there was seldom a contest. A very few months after the erection of Victoria into a separate colony, the gold was discovered, and nobody attended to politics at all, and the amount of wealth in the lower orders was such that nobody would have thought of bribing. The ballot was introduced a few months before our present constitution was introduced, about twelve months, I think; so that, up to the time of the institution of the ballot, I am perfectly satisfied that though there may have been an individual case of bribery, it was impossible that it could have existed extensively.

10869. *Chairman.*] Is much interest taken now in the elections in Victoria?—Yes, very great.

10870. And does party spirit run pretty high there?—Occasionally very high.

10871. To a certain extent the inducement to bribery does exist now?—Yes, no doubt.

10872. But nevertheless, is there a class of voters who are of the same character as that which is here supposed to be open to bribery?—Not to the same extent; the lower orders are very well off, their wages are very high, and though I am very far from saying that there may not be venal individuals among them, the state of things is very different from what it is here among the lower orders.

10873. Do you think it would be possible or probable that any candidate who was disposed to bribe would find the means of doing so now?—Not as a general rule; I do not think that many would take it, they are so well off.

10874. I mean as to the system of the ballot, would the ballot make it more easy or more difficult in your opinion to bribe a large number of voters?—It renders it more difficult certainly to bribe individual voters; but the great objection which I have always seen to the ballot, though in the main I am a friend to it, is that I think it is very hard to detect wholesale bribery under it.

I think

I think it would be open to a candidate to make an arrangement with the leaders of clubs and bodies of men, and to say, "I will pay so much after the election is over, if I am returned;" I do not see any check upon that, and if the voting is kept secret, I do not see how it is possible to detect it; that is an objection that I feel in my mind to the ballot.

10875. Mr. *Villiers.*] Do you apply that only to one candidate, or several seeking the represent tation of the same place?—It would apply equally to both.

10876. Do you think that they would both make the same offer?—They both might; A might make an offer, and B might make an offer; but if A made an offer and got 100 pledged to vote in favour of the Reds, or the Blues, or any other colour, I do not see how you are to know whether they give their vote to one candidate or to the other.

10877. We are talking about the action which it would have upon the voters when such offers as those were made; they would not know, perhaps, which was the best offer for them to choose, but there may be two or three candidates, and each would make an offer through the leader of some kind; how do you view the result of that?—I am afraid that those venal men would vote for the highest bidder.

10878. *Chairman.*] When you say that under the ballot the detection of bribery becomes impossible, you only mean that it becomes impossible to prove how each individual voter voted; you can still prove an act of bribery, can you not, in the same way as under open voting?—No; I think that it diminishes one of the great clues to the discovery of bribery. I apprehend that if the beaten candidate does not know how a man voted he would be very reluctant to challenge his vote, and so incur the certain expense of a petition on a mere chance of discovering that A. or B. voted against him.

10879. But in the case of a proceeding against a candidate for bribery under open voting, it is necessary to prove something more than that any individual voter has voted for any particular candidate; it is necessary to prove that he has been paid money, is it not?—Certainly, but in my observation I was speaking of the proceeding to set aside an election; that a petitioner would think twice before he incurred the certain and heavy expense of lodging a petition if he was not, in the first instance, perfectly certain that the man whose vote he was going to impugn had voted against him.

10880. Is it not possible, in the Victorian system, to ascertain after the election, if necessary, how each voter has voted?—Not without a petition to the House demanding a scrutiny, and I should think that it is a great discouragement to a candidate to demand a scrutiny and to challenge votes when he really does not know how they have been recorded.

10881. Sir *George Grey.*] The candidate does not know if there is no record kept of the votes, unless the elector tells him himself how each voter has voted?—He does not, but it is very discouraging to the candidate.

10882. Do you know of more than one petition being lodged?—I do not, on the ground of bribery.

10883. *Chairman.*] As to personation, in your opinion has the ballot any effect in making it more easy or more difficult?—I do not think that it has any effect in making it more easy or more difficult; but if it has taken place, my last observation would apply to personation also, that unless you know how a man has recorded his vote, I do not see how you are to amend the return by a scrutiny.

10884. You have already said, I think, that the ballot has had some effect in checking mob intimidation?—Yes, entirely,

10885. The elections are now very quiet?—Yes, very quiet indeed.

10886. Although great interest is felt in them?—Yes; and I attribute it to the circumstance that the whole mode of taking the poll now is such as to allay excitement; it is very different from what it is in this country, where there are opposing mobs cheering a man as he records his vote for A or for B. In Victoria, if I may use such an expression, it is the most dead-alive proceeding I ever saw; a man walks into the room and nobody sees what he does; he puts his piece of paper into the box, and when he goes out there is no excitement whatever.

10887. Is it a convenient and an expeditious form of voting?—I think it is about as expeditious as open voting; I do not see any difference in that respect, the same questions have to be put to each voter, and it takes only a few seconds to score out the name, not much longer than to pronounce the name *vivâ voce.*

10888. The absence of a crowd or excitement makes the proceedings go on much faster, I suppose?—Yes, no doubt.

10889. Is there any intimidation by the ministers of religion on either side?—I have heard it said that the Roman Catholic priesthood exercised influence, but I cannot say that I know it of my own knowledge; I know it is popularly so reported.

10890. Is it generally believed that the Roman Catholic priests can ascertain from the Irish afterwards how they have voted?—I do not think that many persons whatever their religion may be, make any secret of how they vote at all; a person can conceal his vote if he likes under the ballot; but as a matter of fact few care to conceal their vote, and I could mention a case to the Committee where, with a constituency of 1,200, the candidate's committee told him the day before the poll, within three votes, how the votes would be recorded.

10891. That was the result of a canvass?—Yes; that was the result of their local knowledge and canvass. I mention that to show that the people really do not care to conceal their votes there at all; it is a mode of taking the poll, which is very facile, and which does admit of accuracy, but as a matter of fact nobody cares about secrecy.

10892. But if any particular voter had any personal object in concealing his vote it would be possible for him to do so?—Clearly.

10893. And probably even in Victoria there may be a few who, for one reason or another, have such a desire?—No doubt.

10894. Does canvassing go on to anything like the same extent as it does here previous to the election?—No, not so much. The general mode of canvassing there is to hold public meetings for the candidates to address their constituents, and to subject themselves to a public catechism. I do not think that the candidate does personally canvass much there; his friends may go round about among their own immediate neighbours, but certainly not to the extent that it goes on here.

Mr. J. F. V. Fitzgerald.

2 July 1869.

10895. It is not considered indispensable that the candidate should personally visit each voter?—No, and as a rule the candidate does not; he has not the time; the constituencies are very large, and very scattered.

10896. Was there any strong feeling manifested in Victoria in favour of the adoption of the ballot?—There was in political circles; I do not think that anybody felt that it was very necessary. It seems to me to be an imported party cry from the country; but I would add while I am upon this point, that what was called the Conservative party there who opposed it as a general rule, have become completely converted to it from their experience. In fact, the only opponents to it now seem to be the Roman Catholic party.

10897. Sir *George Grey.*] Why was it imported as a cry if there was no bribery, or anything of that sort?—I really think it was a watchword imported from this country; I do not think that there was any evil to correct except that of mob intimidation.

10898. *Chairman.*] What are the circumstances which have converted the previous opponents of the ballot to be in favour of it?—The quietness and good order of the elections, the convenience of the system, and the suppression of the mob intimidation which they felt. I know that is what I feared, and the ballot has completely cured it.

10899. Do you yourself think that there are any advantages in open voting which are not accomplished by the ballot?—The great advantage that I see in open voting is what I have just mentioned, that I think it gives great facility in amending a fraudulent return, whether brought about by personation or by bribery.

10900. Should you then, from your personal experience of the Colony, be in favour of collecting the votes, in the first instance, by the means of the ballot, and then afterwards publishing a list?—That is a suggestion which I intended to make to the Committee. It seems to me that, if the Parliament here should deem it necessary to to make an alteration in the present system, and did not see their way to going the whole length of the ballot, the maximum of benefit might be derived by a suggestion of that sort. The collection of the poll by the ballot has very great advantages, and it puts an end to the mob intimidation that I mentioned, and it would certainly put an end entirely to that which is known here as afternoon bribery, about three o'clock, when people cannot make up their minds. If, after the ballot, the votes were to be published, it would afford all the facilities that open voting does for the detection of bribery and the amending of the return.

10901. Sir *George Grey.*] That would altogether destroy the secrecy of the voting?—Yes, entirely; a week after the poll. It strikes me that it would also very much diminish, although it would not entirely destroy, the intimidation of landlords or employers, because a man in cool blood, a week after the election, is not apt to fulfil the threats which perhaps on the spur of the moment he might use.

10902. *Chairman.*] Would such a suggested alteration be for a moment entertained in Australia?—No, I do not think it would.

10903. All parties would reject it?—Yes, I think they would; I do not think there is the same cause for introducing it there as there is here; because my only object is to detect bribery, which, according to the evidence before the Committee, does not exist there.

10904. As to the effect of such a system upon intimidation, although the landlord, or other person exercising influence, might not proceed to put his threats into execution, would there not still be the fear of such intimidation acting upon the voter?—No doubt there would; and I do not at all suggest this plan on the ground of secret voting, but only if the Committee did not adopt the ballot, it seems to me that this plan would embrace a great deal of the advantage without any of the objections that the opponents of it urge.

10905. Are you acquainted with the system of the ballot in Tasmania?—It is very nearly the same as that in Victoria.

10906. Have you seen the working of it personally?—I have not personally seen it, I have heard of it.

10907. Are you acquainted with the fraud which goes by the name of the Tasmanian Dodge?—Yes; and I must take the opportunity of saying that there was a suggestion made here the other day by Mr. Whitbread, of having consecutive numbers attached to each of the balloting papers, and it seems to me that that meets such a case.

10908. Would not that very much delay the voting?—Not much; we all know how rapidly railway tickets are issued with a stamp affixed to them; I do not see that it would affect it much. I have brought down with me a book which has just been published in Tasmania by Mr. Martineau which mentions it. He sent it home in some letters to the "Spectator" newspaper, and he there mentions the fact that the Dodge was successfully perpetrated there.

10909. Do you believe that it has been practised to any very great extent?—I understand that it was, but it was a mere hearsay, and Mr. Martineau mentions it.

10910. Are you aware whether it still continues, or has it been put a stop to?—I do not know.

10911. Do you know whether any attempt has been made to stop it?—It was only about 12 months ago that it was attempted; and I do not know whether any elections have taken place since.

10912. And you think that some such plan as that suggested by Mr. Whitbread might meet that case?—Yes, I do.

10913. Are there any other points which you wish to mention to the Committee?—There are one or two points in which I think the system in Victoria might be made more perfect, and if the Committee will allow me I will mention them. This is an instance which came within my own knowledge of what might occur where there are a number of candidates to be elected, such as in the city of Melbourne, where at one time four candidates had to be elected. Some of the very best men in the colony were candidates, and some that were utterly unknown; and the result was that the least known of any, whose candidature was in fact a laughing-stock, came in, by a very large majority, at the head of the poll; and the three or four of the very best men in the colony, for whose return their partizans were most anxious, were running within one, two, or three of each other.

10914. What was the cause of that?—The cause

cause was that, having four votes to dispose of, a man thought that he might safely throw away his vote upon an utterly unknown man who nobody thought had the smallest chance.

10915. Mr. *Villiers.*] But they knew the others?—Yes, they knew the others; and the men who would almost have laid down their lives to get in their own favourite candidate, not knowing that they were in jeopardy, threw away their votes.

10916. Then it was a question between those that they knew something of and those that they did not?—No; not that exactly.

10917. Sir *George Grey.*] You mean, that a man having four votes, gave two votes to the two candidates whom he was anxious of bringing in, and threw away the other two, as he supposed, in voting for candidates that he knew nothing about rather than give them to the two candidates who were well known, but whom he did not wish to be returned?—It was from ignorance of the state of the poll during the day.

10918. *Chairman.*] If they had known the state of the poll they would have plumped or given only one or two votes for their favourite candidates?—Certainly.

10919. Have you any suggestion to make with regard to that?—I see none, except not to have too many members allotted to a single seat.

10920. Is it an exceptional case in Victoria that there are four members for one constituency?—It has been done away with now. Melbourne has since that time been divided into three constituencies.

10921. Sir *George Grey.*] Is a voter obliged to give the same number of votes as there are vacancies?—No.

10922. Might he not what we call plump here?—Yes, certainly.

10923. But the practice is not to do so, is it, because why should not they, if they wanted to throw away their votes, have abstained from giving them at all?—They might; but I am speaking of an instance of the evil of not knowing the state of the poll; of course they might do so.

10924. Mr. *Villiers.*] Is it not rather a proof of the state of the people who voted upon that occasion; surely no intelligent man would have given his vote in that way, if you state the facts correctly?—I not know that. A person might wish to oblige do another.

10925. You state that although those two candidates were decidedly the favourites, and all the voters wished to return them, they took the course which was precisely opposed to that, and which any intelligent man would see was opposed to it?—They ought to have seen it, no doubt; but I think that they never dreamed that their own candidates were in any jeopardy.

10926. *Chairman.*] Is there any other point which you wish to mention to the Committee?—Yes. We have two classes of voters: those whose names are inserted on the ratepayer's roll, and others who are registered in virtue of their manhood, as we call it. The latter class have certificates issued to them which they must produce at the time they poll; I have heard of a candidate at an election purchasing up a large number of those certificates, and keeping them till the day of the polling, which gives him a very undue influence over the voters; in fact, as they cannot vote without producing it, unless he can make them all sure on the day of the polling, he does not give it back to them. With the permission of the Committee I will hand in this certificate.

Mr. *J. F. V. Fitzgerald.*

2 July 1869.

[*The same was delivered in, and is as follows:*—]

No. 111314.

ELECTOR'S RIGHT.

Electoral District of } Grenville. Buninyong Division.

RESIDENTIAL QUALIFICATION.

THE holder hereof, John Warrington Rogers, of Buninyong, whose name is signed hereunder, is entitled, being duly enrolled, to vote at elections of members of the Assembly, in the above division of the above district, being qualified in respect of manhood and of residence in such division.

Daniel Oliver, Registrar.
J. W. Rogers, above named.

The 23rd day of July A.D. 1863.

10927. Sir *George Grey.*] Does that number correspond with the number on the register of voters, or what does the number designate?—I really cannot say; no doubt it does correspond with the register.

10928. Are these issued to every elector who has a right to vote?—Yes.

10929. *Chairman.*] He has to obtain this?—Yes, he has to obtain it, and he has to produce it upon the poll.

10930. How does a candidate buy up these certificates?—Through the means of agents long before the election (it may be 12 months before) he obtains possession of them by some negotiation.

10931. They must be bought separately from the individual voters?—Yes, and then the voter is in the power of the candidate or the agent, or whoever chooses to buy them up.

10932. How is this plan worked; we have only at present got as far as the candidate buying up those certificates?—He retains them until the day of the poll, and unless he has very good reason to think that the voter intends to vote for him in the course of a quarter-of-an-hour afterwards, he retains the certificate, and the voter cannot vote at all.

10933. If he has reason to think that the voter will vote for him, what does he do?—He hands it back to him, and the voter goes up and votes.

10934. But he must give the proper certificate back to the proper voter?—Clearly.

10935. Sir *George Grey.*] When are those certificates issued to the voters?—At the time of the registration, which may be a year before the time of the poll.

10936. *Chairman.*] Would it not be possible for a candidate to give such a certificate to a man who was not properly entitled to vote?—He might hand it to a man to personate another, no doubt; but there is this mode of detection: the voter has to sign his name before recording his vote, and that is compared with the signature of the voter upon the electoral right.

10937. Supposing he cannot write?—I do not remember the provision for that; but that is the rule; the returning officer compares the signatures; it is a rough mode of identification; there

Mr. *J. F. V. Fitzgerald.*

2 July 1869.

is no doubt that the handing of this electoral right to A B, if he is not the genuine man, affords a facility for personation; the possession of the electoral right is a sort of *primâ facie* evidence.

10938. Sir *George Grey.*] When is the signature of the voter attached to that certificate?—At the time of registration.

10939. Supposing the voter cannot write, can he obtain such a certificate?—There is some way of doing it, but I do not recollect how it is done; I believe he can.

10940. But in those cases the comparison of the handwriting would be useless?—Perfectly.

10941. Mr. *Cross.*] Has the voter to sign it every year?—Yes, I think so.

10942. *Chairman.*] Has he to obtain a fresh certificate every year?—Yes.

10943. Does this cause any restriction of the franchise?—Very considerable; he can obtain it on payment of 1 *s.*, on proving his residence for a certain fixed time in the district; and a very large number indeed do not take it out.

10944. Probably the trouble of going to get it is of more importance to the man than the payment of the shilling?—Most decidedly.

10945. Have you any idea what sums are paid by candidates for the purpose of buying up those tickets?—No, I have not; I have only heard of its being done in one or two instances; I apprehend that he would pay very little.

10946. Sir *George Grey.*] Something more than 1 *s.*, I suppose?—I never heard any sum named.

10947. *Chairman.*] Did you ever hear of candidates paying the registration expenses of persons who they thought were likely to vote for them?—I have heard so, certainly; but I cannot name any individual instance in which I know that it has been done. But funds have been subscribed to facilitate registration, and no doubt that was one of the items in it; but I do not apprehend that the payment of 1 *s.* is an obstacle; it is the loss of time and the trouble in going up.

10948. Mr. *Villiers.*] I think we understand you to say that the motive has not been adequate for anybody to bribe or to pay money to become a Member?—I said that it was not originally; it is now; but before the introduction of the ballot, I said that the motive was not sufficient to the candidate to pay, nor to the voter to receive.

10949. Then you spoke of some prior time, some years ago?—Yes.

10950. You have stated that you do not think that the ballot was necessary in that respect, as there was no bribery; but as there is now a motive to get in, and an interested motive, there possibly is bribery now?—There is the motive, but I do not think that the bribery exists.

10951. Sir *George Grey.*] I think you said that you did not think that the constituency was bribable?—Not to any extent; they are very well off, and very independent.

10952. Mr. *Villiers.*] You said that one of the effects of the ballot was to put an end to mob intimidation; had mob intimidation, then, existed before?—Yes; very greatly.

10953. What was the purpose of it, if there was no motive to get into the Chamber?—I said that there was no motive to candidates to get into the Chamber. I think that the rioting was the act of the voter; I do not think that the candidate did anything to cause it at all.

10954. But they must have had an interest in selecting one man instead of another?—The only mob that ever I knew of there, I must say, although I am an Irishman myself, was an Irish mob, and of course very excitable, and drink had a good deal to say to it. I do not think that there was any organised intention of rioting in order to affect the election.

10955. But generally speaking, was it the case that there was a riot?—On several occasions there was.

10956. But you say that that has been stopped by the ballot?—Yes.

10957. Sir *George Grey.*] But you said, did you not, that contests were very infrequent formerly?—The contest was quite the exception. If there was a contest, it might be between two ambitious individuals whose friends supported them; it was not a matter of any very great public excitement.

10958. And it was only in such cases that this mob intimidation could have any effect upon the election?—I do not think that an election ever was turned by a riot; and I do not think that the candidate had anything to say to an organised mob, or had any wish that there should be a mob or any rioting.

10959. Mr. *Villiers.*] I think you have further offered an opinion that if there were the half sort of open voting, which you propose, it would not prevent intimidation, but that you do not expect it to occur, because people would probably act more calmly when they had to consider whether they would turn a man out of his occupation, and you do not think that that would occur?—I said that it would entirely prevent mob intimidation, and that I thought it would diminish intimidation of any other sort.

10960. I think, if I understand your plan, it was this, that they were to vote by ballot, but that the way in which they had voted was to be disclosed afterwards?—Yes, it was to be disclosed afterwards by a publication of the votes.

10961. Then you think that intimidation would be prevented by that, if we understand you?—Diminished, not prevented entirely.

10962. But when we are alluding to a single individual exercising the influence of property, perhaps, over tenants or other persons exercising power, whatever it may be, do you think that your plan would check it in any way after the vote has been disclosed?—I think it would have a tendency to do so. I do not say that it would be a panacea for it, but I think it would have a strong tendency that way.

10963. Have you had any instance of intimidation, where you have had the means of observing the operation of the ballot?—No, I do not think I know of one.

10964. People are not threatened in Victoria?—No.

10965. Have you had any opportunity of observing the elections in this country?—No; I have no experience of elections here.

10966. In the colonies, is there any such thing as this exercise of influence?—Certainly not. The men are generally the masters there, virtually; and a landlord is only too glad to get a tenant and take his farm from him.

10967. Are the Committee to understand that this system of disclosing the votes taken by the ballot has ever been tried?—No.

10968. It is merely a notion of your own?—It is a notion of my own.

10969. Mr. *Gathorne Hardy.*] You stated that the only persons who you thought were now opposed to the ballot in Victoria, were the Roman Catholics;

Catholics; on what grounds do you express that opinion?—As a matter of fact, the only individuals whom I know to be opposed to it are Roman Catholics, but what their motive may be I cannot say; it may be a fortuitous circumstance.

10970. At that particular election which you spoke of at Melbourne, was it a party contest, or merely a contest of individuals?—It was a contest of individuals heading different parties, but they were not divided into two camps at all. It was the first election that took place under our new constitution, and every one started on his own horse, but each man had his party, there was no alliance between any two candidates.

10971. And eventually the one candidate that was the least acceptable to the whole of Melbourne got in?—Yes, at the head of the poll.

10972. Sir *Frederick Heygate.*] Will you tell me whether there is any other qualification for the vote besides the one which you have shown us, of manhood and residence?—Yes, all the country is divided into municipal districts, and everybody whose name appears on the ratepayers' roll is *ipso facto* registered as an elector of the district without claiming his vote. This manhood electoral right is supplemental to that.

10973. What proportion does this manhood class of voters usually represent in a constituency?—About 25 per cent. I think that the last return was that 72 per cent. were registered in virtue of being ratepayers.

19974. You state, do you not, that party spirit has become very high again now at elections?—It is very spasmodic, it was very rife last year.

10975. What is the nature of the politics, are they religious or social questions?—One of the most hardly-fought questions was the question of protection and free trade, and the Protectionists got very large majorities indeed, in fact they beat their opponents out of the field. That was one question, and there are a number of merely local questions which perhaps excite more acrimony and bitterness than any other.

10976. Do religious questions excite much bitterness?—There are not many religious questions at all. The only question in which religion is any element at present is that of education, and although that does excite great interest, I scarcely should call it party spirit.

10977. Is education denominational, and is education assisted by Government?—It is entirely supported by Government, and the question is whether it is to be denominational or general, that is virtually what it comes to.

10978. That would excite very great interest, would it not?—Yes, it does; but the supporters of denominational education are not confined to anyone body. The episcopal church, I think, are in favour of it, and so are the Roman Catholics. So that you cannot call it a party question, although very great interest is excited upon it.

10979. Do you think that the ballot would produce the same effect generally if it were extended to this country?—I should think that the Committee are more competent to form an opinion upon that than I am. I could point out that there are some great differences in the social position of the two populations. It has been stated that the constituencies there were not venal; I am afraid that some of them here are. Constituencies there never have been subject to intimidation, and I am told that they are here; and I think that the state of education is higher there than it is here, and therefore there are all those considerations to be thought of before one could be sure that the result would be identical.

10980. But the great difference is that money has not the same temptation to the lower classes there that it would have here?—Certainly, it would not.

10981. Mr. *Cross.*] Why is that?—Wages are much higher, and the people are much better off.

10982. In addition to the differences between that country and this, which you have mentioned, in that country they do not work by parties as we do in this country?—They are not nearly so well organised.

10983. There are not clearly defined parties in that country as there are here?—No, not nearly so much; they are becoming so now, but heretofore it has not been so at all.

10984. Sir *Frederick Heygate.*] Are there a large number of polling places?—A very large number. We find a great benefit from having a large number of polling places. It is more necessary there than it is here on account of some districts being very extensive indeed; but we have found that it is very useful.

10985. Sir *George Grey.*] What is the size of the constituencies of any electoral district?—There are one or two electoral districts which I should say at a guess might be 150 miles long; but those are very sparsely inhabited districts.

10986. What would be the number of the constituency that would have to poll?—I think there is one constituency of about 300. I was rather surprised the other day to hear Mr. Verdon state that there was one as high as 12,000; I did not think it was so high as that, but there are several of about 3,000, or 4,000 or 5,000.

10987. *Chairman.*] On what principle is the number of polling places for a district decided?—I do not think that there is any principle at all, but to suit the convenience of the neighbourhood. In a town of course it would be with reference to the number of voters.

10988. Is there any maximum number of voters which are allowed to poll at one place?—No, I think not.

10989. Sir *George Grey.*] Take the constituency that you represented; what was the number of constituents, and how many polling places were there?—I was fortunate enough always to get in without a contest; the number of constituents were 600, and I think I had two polling places.

10990. But how many polling places would there be for a constituency of about 600 in a town if there is such a constituency?—About two or three.

10991. That would leave not more than 300 polling at each polling place?—Yes, but a much larger number could poll without any inconvenience.

10992. I suppose that where the area was very large, as it is in some cases, the polling places would be much more numerous to enable the voters to get to the poll?—Well, no doubt they must be.

10993. Sir *Frederick Heygate.*] You mentioned that there is no means of knowing during the day the state of the poll; would not you think that the want of knowledge of the state of the poll, as it went on from hour to hour, would be one great reason of the quietude that prevails

Mr. *J. F. V. Fitzgerald.*

2 July 1869.

at those elections?—Yes, no doubt; it is the great reason, I think.

10994. And that might be the case, might it not, without the ballot?—No; I do not see how you are to keep it secret if you know how a man votes; the agents would be certain to disclose it.

10995. Mr. *Cross.*] What is your notion of the expense of elections in Victoria?—I have known two or three instances where from 1,000*l.* to 1,500*l.* has been spent by each candidate.

10996. How is that expense incurred?—It seems to me to be principally in printing; everybody seems to me to wish to get the good-will of the press, and they are very liberal in advertising.

10997. That is independent of the ordinary expenses of polling places, which are paid by the Government?—Yes.

10998. What would that bring the total expenses of the candidates up to, supposing the candidate to pay the same regular expenses as he does now?—That would entirely depend upon the number of polling places, but I apprehend it does not cost the Government very much; they generally use the police office of the district. If the candidate had to pay for the polling places and so on, it would come to a very serious item.

10999. So that if that was added to what you call the candidate's expenses, it would bring the amount which the candidate pays pretty nearly equal to what we pay here?—That I cannot attempt to answer.

11000. However, it would increase the expenses very much?—It must.

11001. Was it a large constituency that you were speaking of where the expenses were 1,200*l.*?—Yes; one of them was the constituency of Melbourne at the very election that I have been alluding to, and another, I am speaking from memory, but I think the constituency was about 1,000.

11002. Was that the expense without paying for the conveyance of voters to the poll?—No, it included that; but the heaviest expense that I see out there is the advertising and printing.

11003. Sir *George Grey.*] And that, you say, is with the view of getting the goodwill of the press, and to get articles written in the newspapers recommending particular candidates?—I am very much afraid it is so in some cases.

11004. Mr. *Graves.*] In practice, does the mode of recording votes in Victoria really ensure secrecy?—I answered that before you came into the room; my reply was that nobody cared to conceal his vote; if a man chose to keep it secret he could.

11005. Did you ever yourself contest an election in Victoria?—No, I think I always walked over.

11006. Did you know pretty well how persons would have voted?—Yes, I think so; there were very few that I had any doubt in my own mind about at all.

11007. So that in practice you could have told how most of the electors would have voted?—Yes.

11008. I notice in the qualification certificate you have handed in, the word "residence," could you tell me what that "residence" means?—Twelve months.

11009. Does the payment of 1*s.* for this certificate in your opinion prevent many from taking it out?—No, a shilling is of very little consequence to them there, the rate of wages is 8*s.* or 11*s.* a day. I do not think anybody would be stopped for the want of a shilling

11010. I do not observe in the Act any provision made for uneducated persons who cannot write their own names; can you give the Committee any information upon that point?—My memory does not serve me how they are to obtain their electoral right, but at the poll a blind man, or a man that cannot write his own name, can ask the returning officer to fill it up for him.

11011. I observe by the 114th section of the Electoral Act, 1865, that any blind person or any person who cannot read can ask the deputy registrar to strike out the name, but you do not know whether the same thing is in operation for those who cannot write?—I cannot say, but it does not require a man to be able to write to strike out a name if he can read it.

11012. The Act specifically lays it down that writing is a qualification of a voter, and that a man who cannot sign, cannot vote?—No, he was not intended to vote.

11013. Can you say whether receiving out-door relief is a disqualification for voting in Australia?—We have no such thing as out-door relief, we have no system of poor law and no out-door relief; but I apprehend that that would not operate; there is no such thing as a property qualification or disqualification.

11014. *The O'Conor Don.*] I think you stated that the only persons in Australia who objected to the ballot were the Roman Catholics?—I said the only individuals that I knew to be of that opinion happened to be Roman Catholics.

11015. Are you in a position to state whether the Roman Catholic priests object to the ballot?—I know individuals and priests have in conversation told me so.

11016. And therefore you do not believe that their influence would be increased by adopting the ballot?—No, certainly not.

11017. In fact it was generally supposed in Australia that the influence of the priests was diminished by the ballot?—I think that was the feeling; I never heard it exactly alleged one way or the other, but judging from conversation generally, I should say that that was the feeling.

11018. You never heard, I presume, the contrary expressed?—No, certainly not.

11019. Mr. *Staveley Hill.*] Did I rightly understand you, that the certificate is given as a certificate to prevent personation?—No, as evidence of the right to vote.

11020. There is, of course, a roll of voters as well?—Yes.

11021. And this is given to a man as evidence that he is the person who is on the register?—Yes, that is the intention of it.

11022. Probably a good many of those men would, like other people, lose those papers; would there be a great many of them to be got a few days before the election?—No, I apprehend that the registrar would not issue such a duplicate.

11023. Have you no list that would enable you to say that they were voters?—There must be.

11024. There must be a good many people who would lose their papers in the course of the year; could not those men who lost them get others at some time before the election came on?—I do not recollect that there is any such provision, but I think it would be most injurious if there was.

11025. Would

11025. Would losing that paper be fatal to the right to vote?—I should say so; if duplicates were to be issued in that way there might be no end to fraud.

11026. Mr. *Leatham.*] You spoke of Mr. Childers having referred to the existence of bribery before the introduction of the ballot; are you aware that he stated that there was one special constituency where bribery was notorious, and do you know to what constituency he referred?—Certainly not.

11027. You stated, I think, that secret voting has discouraged candidates from petitioning on the ground of bribery, and that you have only known one petition presented; might not that be accounted for by the fact which you state that bribery does not exist?—No doubt it might. I should be sorry to say that bribery did not absolutely exist. I say it was not general, but there might be individual cases.

11028. Did the instance to which you referred, in which the exact poll was predicted beforehand, occur recently or was it some time ago?—It occurred about 18 months ago.

11029. Then it was many years after the introduction of the ballot?—Yes.

11030. But I suppose soon after the introduction of the ballot, the voting was practically secret?—I do not know that there was much difference.

11031. You spoke of the least known man having come in at the head of the poll; I presume that you did not mean it to be inferred that the well known men were rejected?—The best known man in the colony was within 20 votes of losing his seat.

11032. But they were all elected?—No, one of the best men in the colony was thrown out; was not within the first four.

11033. Mr. *Brand.*] At the time of the election you are speaking of, Melbourne used to return four members, did it not?—Yes.

11034. Was not that found inconvenient and was not there a change carried out?—Yes; Melbourne was subsequently divided into three seats, getting two members each.

11035. And it now returns six members?—Yes.

11036. There being three constituencies?—Yes, three constituencies.

11037. Have you since the adoption of the ballot observed any change in the character of the representatives to the Legislature?—Very great, but I am by no means sure that that was owing to the introduction of the ballot; I do not think it was.

11038. Was the change for the better, or for the worse?—Very much indeed for the worse; indeed, there was no comparison; but my own belief is that the same change would have taken place under open voting.

11039. How do you account for that?—Partly it may be that the suffrage is very much extended and partly it may be that a great number of the best colonists who used to command the respect and confidence of their fellow colonists have come home, but there is no comparison whatever between the house as it now stands, and what it was 10 or 12 years ago.

11040. Sir *George Grey.*] Was the establishment of the new constitution and the adoption of the ballot simultaneous?—The ballot was introduced about 12 months before the new constitution.

11041. And did the new constitution very largely increase the constituent body?—Yes, it did, but it has been subsequently extended much farther.

11042. Then the ballot was really only in operation for a comparatively limited constituency for one year in Victoria?—Yes, and I really do not know whether any elections took place under it; certainly no general election did.

11043. *Chairman.*] Is there any other suggestion which you would wish to make?—There is one suggestion which I want to make also. We have abolished all public nominations in that country, and with very good effect indeed.

11044. Were public nominations the rule previous to the adoption of the ballot?—Yes; and we had a public nomination subsequently to the adoption of the ballot, but by a subsequent law we have abolished nominations.

11045. Used your nominations to be scenes of riot and noise?—Yes, very great; the ballot, of course, would have no effect upon that.

11046. Sir *George Grey.*] How are the opinions of the candidates made known now to the constituency?—They publish addresses, and they hold public meetings; they tour round their district and hold public meetings, to which anyone may have access, and they explain their views, and they are subjected to very rigid cross-examinations occasionally.

11047. Do the opposing candidates meet at the same public meetings, or are the meetings held exclusively to hear the opinions of one candidate?—I have once or twice known opposing candidates to meet, but as a rule, "Mr. A.'s friends are requested to meet," or "Mr. B. will address the electors at such-and-such a place."

11048. Are those meetings orderly?—Generally speaking, they are; I have once or twice known a considerable disturbance.

11049. *Chairman.*] Are the partisans of the other side allowed to come and question the candidates?—Yes; they are public meetings.

11050. But they are not interrupted or hustled by the partisans of the candidates?—Sometimes they are; I think, generally speaking, there is good feeling, and a feeling of fair play, but I have known instances where they have been hustled, and I have known cases where, after a candidate has addressed a public meeting, it has been carried by a large majority that he is not a fit and proper party to represent them.

11051. Sir *George Grey.*] Are those meetings generally followed by resolutions, either in favour of or against the candidate?—I think always.

11052. Are there committees appointed to conduct the election?—Yes.

11053. Are the names of those committee-men published?—Yes, I think they are; there is no secret about it; but whether they are published in the newspapers I can scarcely say.

11054. Are the committees very numerous?—Yes.

11055. I think I understood you to say that there was no motive for secrecy in Victoria, and that, in fact, there was no secrecy?—If a man chooses to keep his vote secret he can do so, but nobody does care about it as a matter of fact; as a general rule, I mean. Perhaps I may be allowed to observe that Mr. Graves has just drawn my attention to clause 20 of the Electoral Act of 1865, which I had forgotten when I said that there was no out-door relief, and, in fact, no poor law

Mr. *J. F. V. Fitzgerald.*

2 July 1869.

system. I see that there is a provision that no elector's right shall be issued to any person who shall at the time be receiving relief as an inmate of any eleemosynary or charitable institution. Knowing that there was no system of public relief of the poor, I answered that what we popularly know as out-door relief would not disqualify a man, but I see that there is this special provision.

Major JOHN WILLIAM PERCY, called in; and Examined.

Major *J. W. Percy.*

11056. *Chairman.*] You are a Resident Magistrate in Ireland, are you not?—Yes.

11057. In what county?—In the county of Galway, and in the county of Tipperary; they are joint districts; the River Shannon divides my districts.

11058. How long have you been so?—Five years and some months; since March 1864.

11059. Were you acting in Sligo at the time of the late election?—I was.

11060. Were you sent there specially?—Yes, on the 16th of November.

11061. There was, I believe, a very severe contest in the county of Sligo, was there not?—A very severe and a very active contest.

11062. Who were the candidates?—Sir Robert Gore Booth and Colonel Cooper, on the Conservative side; and Mr. O'Conor, a brother of The O'Conor Don, on the Liberal side.

11063. Has your attention been called to the evidence of the Rev. Mr. M'Dermot?—No, I have seen no evidence nor heard of it.

11064. Have you seen the Parliamentary Return which was moved for by The O'Conor Don with reference to the Sligo county election?—No, I never saw it.

11065. It was stated by Mr. M'Dermot that escorts were applied for, and sent several days before the election to bring voters into the polling place at Ballymote three or four days before the election; have you any knowledge of such a state of things?—It is not substantially correct.

11066. If you will look at page 15 of the Return to the House of Commons on the Sligo County Election, Parliamentary Paper 180, there is this letter from Mr. Ffolliott, a magistrate of the county: "Holly Brook, 18th November 1868.—Sir, I have to request that you will give me an escort to protect voters proceeding from Ballinafad to Sligo, on the morning of Monday November 23rd. I consider that 20 men will be sufficient, and that it will not be necessary for them to go further than Collooney unless any unexpected opposition should be offered. I have also applied for an escort of the Royal Irish Constabulary. I have, &c. (signed) *John Ffolliott*, J.P.—To Officer Commanding Troops in County Sligo." Have you any knowledge of the circumstances to which that letter refers?—I never heard of it before in my life; I did get an application from Mr. Ffolliott some time during the election for an escort, which he did not want afterwards.

11067. Sir *George Grey.*] You were not the officer commanding the troops?—No, I was the resident magistrate.

11068. *Chairman.*] Referring to page 10 of the Return, which is a "Summary of Returns of Applications for Escorts, made to Resident Magistrates," I see the first case is on the 22nd of November, when an application was made to you by Colonel Cooper and Charles Lang for an escort; will you state the circumstances under which that was made?—It was not on the 22nd, it was on the 24th, I think.

11069. On what day did the nomination take place?—On the 26th, I think. I got Colonel Cooper's letter, and it was dated the 24th of November. He wrote to me to give protection to his man, who was going to a large and widely scattered district, to collect voters from some portions of his property. I did not give him an escort to escort voters, that was not applied for; I gave it as a personal protection to the man himself, as he swore that he would be killed if he went out without.

11070. Sir *George Grey.*] But he was going to collect voters, was he not?—He said he was going to warn them, and he said he could not reach them without being protected, they were at such a distance. I have here the distances in Mr. Lang's own writing. The barony which Mr. Lang applied for was the barony of Leyny in and near the townland of Aclare; it is 20 miles from Ballymote; there were 12 voters, and the number of cars which was required to go there, three. I wanted to know what he wanted them for, and where he proposed to go; and this is his own handwriting. Also from the same barony of Leyny from the town of Tobercurry on the 24th, he wanted five cars for 20 voters 10 miles.

11071. I thought you said that the escort was taken to protect the agent in going to warn voters to come to vote; what do you mean by those cars and the number of voters?—It was to escort him only; because I told him if you want the voters escorted, you shall get them the day before the polling-day. I cannot give you the escort now, but there will be certain arrangements made in due time, as has always been my custom at other contested elections. The magistrates meet a day or two before, and we receive applications from the agents, and apportion the escorts as our force, and as the exigencies of time require it, and therefore I said, "You will have to state to me ultimately how many cars you will require for my future guidance"; and he had from the same barony of Leyny four miles west of the town of Coolaney eight men to warn.

11072. Will you explain what you mean by "warning"; do you mean that the agent was going to tell them that the election was about to take place, and that they might vote, or that he was to warn them that they were to come in to vote for a particular candidate?—I cannot tell you; he said he was to warn Colonel Cooper's voters.

11073. What did you understand by his warning Colonel Cooper's voters?—I did not give it any consideration; I did not ask him any question about it.

11074. Is that a common expression when a person applies for an escort?—I had often heard it used before.

11075. Sir *Frederick Heygate.*] Does not the word "warn" in Ireland, answer to the words "give notice" in England?—Yes, he meant to give notice.

11076. Sir *George Grey.*] To give notice that the

the election was to take place; was that all he meant by it, in your opinion?—I think so.

11077. *Chairman.*] Having received that information, you ordered an escort to accompany Mr. Lang?—I sent an order on the 24th of November to the sub-inspector in charge of the constabulary at Ballymote, a copy of which, if you will permit me, I will read: "Ballymote, 24-11-68. Sir,—You are hereby requested to furnish 12 men of the Royal Irish constabulary this day to accompany Mr. Lang to the vicinity of Tobercurry, and escort freeholders back to Ballymote."

11078. I thought you said that he only went to warn the voters?—I see that I have written that; my impression was as I have said; I know that he told me that it was to warn voters; and why I put in that form I really cannot say; I have stated it in my written answer before. I know it was a slip of mine.

11079. On what day was this escort sent?—On that same day, the 24th.

11080. On what day was the polling?—The polling was on the 30th of November, the Monday; this was six days before that.

11081. Who commanded that escort?—Mr. Williams, the sub-inspector.

11082. Did he make any report to you of having done his duty?—Yes, when he came back he reported to me.

11083. Have you that report?—It was only a verbal report. He told me when he came back on the same day that he had accompanied Mr. Lang and given him the protection which he required, and that he (Lang) had gone to the houses and warned the people, and that he had got nobody, and brought back no men with him.

11084. When did he come back?—That afternoon.

11085. Then, did he go to fetch voters?—No, he went out with Mr. Lang, and he said he brought back no men with him; no voter came in with him, he brought back nobody.

11086. Sir *George Grey.*] Did he tell you why he brought back nobody?—I have no recollection whatever of having stated, "I ordered him to bring back those men"; it is incorrect. I did not order him to bring any special number, and he brought back none; and he reported to me that he brought back none.

11087. Did he tell you why?—I cannot charge my memory with that; I cannot say that he did tell me why.

11088. *Chairman.*] You, I conclude, were not surprised at his not bringing back voters if you had not sent him to bring back voters?—I had not, I never gave it any consideration. That portion of the written order was an error of mine, unquestionably, in telling him to escort voters back; I did not mean him to do so.

11089. One officer and 12 constables, then, were sent to protect Mr. Lang in warning those voters?—Yes, in warning the voters.

11090. Why did he require that protection?—He swore an affidavit before me, that he dare not go out into that country, and that he would be attacked if he went alone.

11091. Then, are you certain that it was not his intention, or your intention, that he should come back accompanied by the voters?—I do not know anything about his intention; I did not give him the men to escort back voters; I gave him the men positively for his own protection; he swore to me that he would be killed, and that he would not be safe to go out into that country without a guard.

11092. Supposing that he had brought back voters, and that officer and 12 constables had escorted those voters back, would they have exceeded their duty?—No, I should say not, not exceeded their duty, because I should say that the police are obliged to afford protection to anybody who asks it; but it is not the police duty to go and tell people to come in to vote. If the officer found any man willing to come into Ballymote, and he asked him there and then to escort him in, I should say that the police officer should take him, and he would not have done his duty if he had not done so.

11093. That order of yours would have been a sufficient authority for that?—Quite enough, according to my idea.

11094. Sir *George Grey.*] Have you got a copy of Mr. Lang's affidavit?—I never could lay my hand upon that affidavit when the correspondence arose, in the first instance, with The O'Conor Don, whose letter is adverted to in that paper. There was a great crush in the room at the time, there was a great number of people, and all the papers were on the table, and what became of that affidavit I do not know; I lost it. I am positive that Mr. Lang swore that.

11095. What was Mr. Lang?—He is a very respectable man.

11096. Was he agent to anybody?—He was represented to me as the under agent of Mr. Ormsby Gore.

11097. Was it Mr. Ormsby Gore whose tenants he was going to?—I had no idea in the world; I did not know anything about it.

11098. Would nobody have been able to give notice that the election was to take place on the 26th without being in danger of his life; why should Mr. Lang go if he was personally obnoxious?—I do not know; I never asked the question; I did not consider it my duty; my orders were to go and assist to preserve the peace during a disturbed time.

11099. Had you been employed at any previous contested elections?—Yes.

11100. Did you ever have a similar application for an escort to take a person into a district to give notice that an election was about to take place anywhere?—Never; the whole thing was incomprehensible to me until I was informed by residents in the place that the district about Ballymote had been very much disturbed for a long time, even before I had gone down there at all, and that people were stopped, and houses were visited every night and threatened, and windows were broken open, and there was a great deal of intimidation going on in the county; that was why I was sent there at all on the 16th of November; I could not believe it; I thought it was a mistake when I got the order to go on the 16th, knowing that it was the last county election in the whole kingdom, and I could not understand how it was that I got the order to be off at once on the Sunday, to go without a moment's delay to Ballymote, as the place was seriously disturbed; I got that order, and on the Monday, when I got there, I asked the local magistrate, "What on earth have you brought me here for this day; the election is not going to be till the end of the month?" He said, "The whole place is in a state of disturbance; it is quite a reign of terror."

11101. You would hardly believe that Mr. Lang

Major *J. W. Percy.*

2 July 1869.

Lang required an escort merely to warn voters; therefore you added that the escort was to bring voters back; was not that so?—I got there on the 16th, and Mr. Lang applied to me on the 24th, and in the interval between the 16th and the 24th. I had learnt quite sufficient of the country to justify me in affording Mr. Lang the protection which he demanded.

11102. The extraordinary thing is that you should have added to that order that the escort was to bring back voters; were you in the habit of giving orders of that kind, or how do you account for the slip by which you added an order for which Mr. Lang did not ask?—I cannot account for it.

11103. Mr. *Gathorne Hardy.*] I see there is a letter addressed to you, dated the 22nd November, at page 13 in this Return, which is in these terms, "Sir, Major Ormsby Gore's under agent, Mr. Charles Lang, will call on you to-morrow to devise means for getting in the voters from the more distant part of the estate; they will require protection, and I trust you will be good enough to grant him an escort." Did you receive that letter?—Yes.

11104. According to that letter the statement is that the voters "will require protection," because it says, "They will require protection and I trust you will be good enough to grant him an escort"; then was your letter written in consequence of the receipt of this, or in consequence of Mr. Lang's affidavit?—When Mr. Lang came to me himself, I said I must have an information; I would not give him an escort because I said it was too soon, and I refused Mr. Ffolliott and everybody; it was not him alone; I have got Mr. Ffolliott's correspondence here, which will show that I would not give him an escort to go to bring in voters. Mr. Lang said that he wanted to go out there to those places; he brought me Colonel Cooper's letter and he said, "I must go out, I cannot go alone, if I do I shall be seriously assaulted"; then it was I said, "If you will put it into the form of an information, to justify me in giving you protection, I shall consider it, and I shall do it if I see that it is a sufficient information." Then he swore that he was in terror of his life, and that he had good reason to believe that if he went out into this particular part of the county, he would be seriously assaulted, and would not be allowed to go on.

11105. Then you are quite sure that in that affidavit, he only asked for protection for himself and not for any voters that he might bring in?—I am quite sure that he did only ask for protection for himself, because I told him that I would not give him an escort for voters at that date.

11106. Had you a great pressure of business on that day, with reference to the election?—I had a good deal of correspondence.

11107. Was the order that you speak of written in your own hand or signed by you?—It had to be written by my own hand; I had no clerk at all.

11108. Mr. *Edward Egerton.*] I suppose you knew that the election was not until the 30th?—Yes.

11109. It must have occurred to you that it was a long time to keep voters before voting?—Very much so.

11110. What seems extraordinary is, that you should put in these words, "and escort voters"?—I know it was a slip of mine.

11111. When the officer returned with those 12 constables, did he come to you on the same day?—He came to me on that night.

11112. Did he not tell you that your order was wrong; that it was not for the purpose of bringing back voters that the escort was asked?—No, he did not.

11113. Mr. *Gathorne Hardy.*] I see that just afterwards in the same return on the 26th of November there is a letter which is addressed to you by Mr. Lionel Townsend, the sub-inspector, in which he tells you that "20 of Colonel Cooper's voters arrived in this town on last night;" that would be on the 25th of November, had they been brought in under any escort by your direction into Tobercurry?—No, not at all.

11114. *The O'Conor Don.*] It appears, then, that you received a letter dated the 22nd of November, from the Conservative candidate, asking you to send out an escort to bring in voters?—Yes.

11115. And it also appears that you wrote a letter yourself to the inspector directing him to escort voters in?—Yes; the few lines which I have read.

11116. So that what was actually done in that case was that you first received an application for an escort for voters about seven days before the election, and you wrote a letter directing the sub-inspector to escort those voters into the town of Ballymote at that date?—Yes.

11117. Then, with regard to the distance, I do not exactly understand what you stated first on that point; how far was this place from Ballymote?—Where he went I understood on that day was to the vicinity of Tobercurry.

11118. How far is Tobercurry from Ballymote?—Ten Irish miles.

11119. Did he go the whole way to Tobercurry?—I do not know; I do not believe he did.

11120. Do you know where Chaffpool is?—I do.

11121. How far is that from Ballymote?—About eight miles, I should think.

11122. You are not able to say how far those men lived from Ballymote?—Not the least idea in the world.

11123. It is quite possible they might have lived within six miles of it?—Quite possible, but I understood from the sub-inspector that he had gone further than that, certainly.

11124. You stated, did you not, that he came in without any voters?—I think he came in without any at all. I think he told me that he saw none, and he came in without any.

11125. Will you have the goodness to read the report which was furnished, not to you, but to the county inspector, at page 4?—"Referring to the inquiries the county inspector has been making touching the escort duty performed by me for the protection of voters on the 24th ultimo, I beg to say that, in compliance with a requisition, a copy of which I attach, I proceeded with 12 of the constabulary on the day in question to the neighbourhood of Chaffpool, accompanied by a Mr. Ch. Lang, and when on our way we were overtaken by the Rev. Mr. M'Dermot." He told me that he had met Mr. M'Dermot. I remember it when I see it here now. I have a distinct recollection before Mr. Williams started, telling Mr. Williams that his object in going out was to protect Mr. Lang, and he says here, I perceive "I wished to keep Lang in view so that no injury should occur to him." I told Mr. Williams himself, and I cannot tell what possessed me

me to write that last order to take care that there was no interference with the people or anything else, and that he was sent to protect the man. I have a distinct recollection of that and so has he.

11126. Will you undertake to say that Mr. Lang's affidavit had no reference to the voters?—I will certainly say that, decidedly.

11127. Have you lost that affidavit?—I never could find it since. The first time I had occasion to refer to it was when I got your letter to answer, and I looked for it on the spot; but I never could find it since.

11128. Sir *George Grey.*] Do you make a report of your proceedings to any superior officer or to the Government on those occasions?—Yes, always.

11129. Do not you transmit to the Government copies of the orders you give, and the affidavits on which those orders are given?—No, not necessarily unless they are called for as they were in the present instance.

11130. *Chairman.*] I see that on the 26th you were applied to by Mr. Townsend for an escort for voters in danger of an attack?—Yes.

11131. That is the same case, I believe, as is referred to in page 13, where you will find the letter signed by Mr. Townsend?—Yes, addressed to myself, and that is the one that I acted upon.

11132. The letter is in these terms: "County Sligo, Tobercurry, 26th November 1868.—Sir, I beg to inform you that about 20 of Colonel Cooper's voters arrived in this town on last night previous to starting for Chaffpool, but a mob of several hundreds having seen them, put a guard on the house, and paraded the street during the entire night; they made several applications to me for an escort, but owing to the smallness of the force at my disposal and not having sufficient authority, I declined doing so. The houses are still guarded by the mob, and I fear may be attacked at any moment. (signed) *N. Lionel Townsend,* Third Sub-Inspector.—To Major Percy, R.M., &c., &c., Ballymote." What did you do on receipt of that letter?—On receipt of that letter, I sent an order to the senior sub-inspector at Ballymote, to reinforce Mr. Townsend by a few men until I could make arrangements to bring them in, with one general escort for the whole of the parties.

11133. Those voters were already in charge of a small escort, were they not?—No, they were not.

11134. What was Mr. Townsend doing?—He merely wrote in to inform me that they had come into the police at Tobercurry, in which he was stationed, and that they were threatened, and he applied to me for an escort to proceed to bring them into the town of Ballymote.

11135. Then you ordered that small reinforcement to go out?—Yes; upon his application to me that he had not sufficient force, and I required him to be very active at that time in patrolling the country by night, because there were constant outrages occurring every night, and those people could not have stopped in the town without protection, and I sent him out some other men that I had to reinforce him for the moment, until we could arrange to bring them all in.

11136. Did the voters stay there that night?—I think till two days after. I could not go there for them; I had not time to go.

11137. How were they eventually brought in to Ballymote?—By me, with an armed party of police, on Friday, the 28th.

Major *J. W. Percy.*

2 July 1869.

11138. The polling being on the Monday?—Yes, on the Monday; we were obliged to get them in, because we had several other places to go to on the Saturday. We could not leave them over; they would not have come in at all if I had not gone out for them on the Friday.

11139. Where were they lodged while they were in Ballymote?—I have no idea at all.

11140. You did not provide an escort, did you, after they had arrived in Ballymote?—No; I brought them to the edge of the village, and I do not know what became of them; I never saw them afterwards.

11141. Sir *George Grey.*] Were they walking afterwards in Ballymote, and going wherever they chose on the Saturday?—Yes, I suppose so.

11142. *The O'Conor Don.*] Has it been usual, in your experience, to bring in voters with an armed escort so long before the polling day?—Never before; it has been one day, perhaps, before from long distances, if they could not come in in the morning, if they had long drives; but it was always so arranged by the agents that the escorts should meet them at certain parts of the road, at five or six, or even three o'clock in the morning. I have started at four o'clock in the morning to bring 200 or 300 cars of voters, with dragoons, 12 or 15 miles.

11143. Who paid for those cars?—I do not know anything about that.

11144. They were not ordered by you?—No; I know nothing about them. An application has been made to me, upon a requisition to the magistrate, for an escort to protect so many car-loads of voters coming in from a certain district to a certain place to poll, and we have to provide the necessary escort for them.

11145. Now, will you turn to page 10 of that Return; let me refer you to case No. 12, on page 10; H. Swansy applied to you, in writing, for an escort?—Yes.

11146. And one officer and 30 police were sent?—Yes.

11147. That appears not to have been on sworn information?—That was to go to the railway to bring those men from the railway station into the town of Ballymote, but the railway station is outside the town about a quarter of a mile, perhaps not so far; and in that part of the town that they would have to come through, there were a good many people at that time, and Mr. Swansea came up to us, and brought a written application as conducting agent, that a party should go down to the station to clear the way so as not to have a collision with the people, and they were given him. They were not out ten minutes, I should suppose, altogether.

11148. They were not accompanied by any magistrate?—No; not by me, certainly not.

11149. Is it usual to send out a force of that description without any sworn information, or without any magistrate accompanying them?—I think it is without information; I have never seen it required so much before, because the circumstances were not the same. In this case there was no outrage at all; it was only as a protection. Captain Peel certainly did not consider that the presence of a magistrate with that 30 men going to the station would be necessary, and I myself am one of those who consider that the police are perfectly justified, as peace officers, in acting by the orders of their own officers.

Major *J. W. Percy.*

2 July 1869.

11150. That force was not sent out precisely as an escort?—No, not at all; it was just as a preventive against possible collision; it was to keep order; it was not out five minutes; they met with no opposition whatever; they returned to their station, and were turned in again directly.

11151. Will you refer to case No. 16 on that Return, from which it appears that one officer and 30 police were sent by you on the application of Frederick Hamilton, Esq., agent to Charles O'Hara, Esq., not on information and not accompanied by a magistrate; can you give the Committee an account of that escort?—It was on Sunday the 29th, the day before the polling. There was a meeting of the respective agents on the Conservative side on the Thursday previous, in the town of Ballymote, to arrange about getting in those voters, and it was then arranged that this escort, which I have referred to before, should go on the Friday and make a circuit of all the district, to do it all in one day; go to Tobercurry, go to Chaffpool, go to Coolaney, and pick up all the respective voters, as their agents asked for, and bring them in to Ballymote. I started at six in the morning to Tobercurry, and Captain Peel started with a large force of dragoons, infantry, and police to Mr. O'Hara's place at Coolaney same morning. He got to Coolaney (this was on the Friday); the voters were assembled in the town; he saw them himself, and from some cause, which I am not in a position to explain, or give any account of whatever, the voters would not go with him; they would not accept the escort. That was Captain Peel's report to me, and he came in without the men at all. I saw him coming in; I had come in before him with my party from Tobercurry, who were so anxious to come in. On the following day, Saturday, Mr. Hamilton came to us again to say that several of Mr. O'Hara's voters, and somebody else's, I think, their Protestant voters, were anxious to come into the town of Ballymote to vote; "60 of Mr. O'Hara's Protestant voters will be ready to start from Coolaney to-morrow, Sunday;" those were the words used; "and an attempt might be made to stop them;" and there also as a preventive we ordered that party which you see under the date of the 29th, No. 16, to patrol the road for a few miles outside the town of Ballymote; not to go out to Coolaney, but to go a short distance, and a very short distance, outside the town of Ballymote to meet them coming in, where the only danger, as I anticipated, was to be dreaded.

11152. Sir *George Grey.*] Were those the same voters who had refused the escort of Captain Peel?—I do not know anything about that.

11153. Were they from the same district?—Yes, from the same district, but the agent making the application calls them the "Prostestant voters of Mr. O'Hara's."

11154. *The O'Conor Don.*] Have you got that letter?—Yes: "Sixty Protestant voters of Mr. O'Hara will be ready to start from Coolaney to-morrow, Sunday, half-past eleven."

11155. Sir *George Grey.*] Did you ever ascertain why it was those 60 voters had two days before refused to come in under Captain Peel's escort?—I do not say that it included those 60, because I am not in a position to do it, but if you ask me, Do I know why the voters would not come on the Friday, it was told me by Captain Peel that the priest was there, and would not permit them to come.

11156. Would that affect the Protestant voters?—That is the only answer I can give; I can only state that when I asked him why he had not brought them in, he said there was some reverend gentleman there. I did not know his name even, and he told me they would not go in, or would not be allowed.

11157. *Chairman.*] That escort was not accompanied by any magistrate?—No, not the one on the Sunday outside the town.

11158. Were the voters brought in?—I think they walked in; there was no disturbance whatever. We did not escort them, the people came in themselves, and required no escort at all. I have a correspondence here in which we urged them in the strongest way not to ask for those escorts at all, but when you are pressed, and people say that danger will accrue, and when gentlemen say to me, "We must be protected, and we demand the protection which you are sent here to afford, you have got troops here and constabulary, and we require you to protect us," what is one to do?

11159. Why did you urge that such escorts should not be applied for?—Because I thought that 60 Protestant voters would be able to come in without any molestation.

11160. Sir *George Grey.*] In fact, the Protestants were willing to come in and vote, and the Catholics were not?—I do not know that; I thought that 60 men ought to be able to go anywhere. I did not go into their religious opinions.

11161. But yet you sent them the escort?—On the application, and the very urgent application, of the agent.

11162. Was that application in writing?—Yes, I have read it.

11163. *Chairman.*] Before you went into the county of Sligo upon this election business did you receive any instructions from the Government?—None at all; merely a warrant ordering me to go to Ballymote.

11164. That was your head-quarters, I suppose?—Yes, that was my head-quarters.

11165. What were you to do there?—To assist in keeping the peace during the county of Sligo election.

11166. Are there any permanent instructions in force to guide you in your conduct at elections in Ireland?—No, it must all depend upon contingencies as they arise at the moment.

11167. What are your powers, as resident magistrate, in ordering escorts?—None whatever greater than any other magistrate possesses. I think sufficient informations ought to be sworn in most cases. In giving escorts to go out in all other elections where I have been, and I have seen five or six of them now, as I have said before, there was a day appointed for a meeting of the magistrates to arrange all the details. That was departed from in the county of Sligo election and was not so done, because they said the districts were so large, and so widely scattered and extended that they had to bring them in in detail; they could not bring them in in one day.

11168. Were any instructions issued by the Government, do you know, with regard to this particular Sligo election?—I have not the least idea in the world; none were issued to me; I had

had no communication from them, and I never heard of any.

11169. Who was the local resident magistrate for that district?—Mr. Coulson, in the town of Sligo, distant some 16 miles from Ballymote.

11170. Did you act entirely by yourself, or in concert with him?—Entirely by myself. I only saw him once during the whole time that I was there; he was away from me attending to his own place, and I was acting entirely upon my own responsibility. Once I went into Sligo for some little business of my own, and I saw him.

11171. Had you charge of a particular district?—Yes, Ballymote, and a circle around Ballymote.

11172. Was that a polling district?—Yes, it was the polling place for three baronies.

11173. Do you know what force of military there were in that polling district while you were there?—There were on the 30th November of the 6th Dragoon Guards, five officers and 80 rank and file; of the 63rd Foot, four officers and 64 men, and of the Constabulary, six officers and 202 men, and of the 63rd Foot, four officers and 80 men came up by train, from Boyle, and returned to Boyle again by 20 minutes to 4 o'clock in the afternoon.

11174. All those escorts which we have been talking about hitherto, I think, consisted only of police and not of soldiers?—Excepting the one to Coolaney on Friday; Captain Peel took out with him cavalry and infantry, but I took the police always.

11175. Will you refer to page 14, to the "Returns of applications for escorts made to military officers"; case No. 4, is that the escort to which you refer?—That is the escort under Captain Peel with the 6th Dragoon Guards, two officers, and 34 men. The second, 17th Foot, two officers and 30 men. This party went under the charge of Captain Peel to Coolaney, on Friday the 26th, I think.

11176. Did you apply to the officer commanding the troops at Ballymote for that escort?—Yes, we sent him a requisition for them.

11177. Was it on a sworn information that you made that requisition to the officer commanding the troops?—No, I do not think it was; I am not quite sure that it was at this moment, but I do not think so.

11178. On what grounds was it given?—On the application of the agent of Mr. O'Hara, Mr. Frederick Hamilton.

11179. Sir *George Grey.*] What are the cases in which you require sworn informations, and what is the class of cases in which you send an escort without such information?—I would be more particular in sending an escort, and might myself go with them, if I apprehended that danger was likely to occur on a collision with the people; but in this case it was a concerted movement; it was a concerted thing between the parties to go out and bring them in, for we were sent there to discharge that duty, and I never saw any information sworn before in similar cases at all.

11180. But in some of those cases there appears to have been sworn informations?—No, unless they are sent to escort men personally to protect men individually, I usually do not take an information. We are bound to protect individual men when going on special service, when we send a special party with him to protect him.

11181. You send an escort to escort voters without any information whatever that any danger is to be apprehended by those voters in coming to the poll?—I think so.

11182. *Chairman.*] You consider that information received from any respectable person is sufficient to justify you in sending out an escort?—From a conducting agent, or from an agent, when it is an organised thing, where it is a preconcerted arrangement for a special day for the poll.

11183. Sir *George Grey.*] Preconcerted with whom?—Between the magistrates when a meeting of magistrates takes place. The magistrates hold a meeting on a certain day, close to the poll, and on that day the respective agents come before them, and they bring their reports. "I want an escort at such a place to bring my men in. I have got 60, or 70, or 100 voters, and I want an escort at such a road, at such an hour in the morning to bring them in."

11184. What does the agent mean by saying, "I have got 60 or 70 voters;" does that mean, "I have 60 or 70 voters on the estate for which I am agent, who are coming to vote for a particular candidate"?—He does not say for what candidate he wants to bring them to the poll.

11185. Do those agents apply for an escort to bring voters to the poll quite irrespective of the candidate for whom they are expected to vote?—I suppose they do; but, as far as the Government magistrates are concerned, I can positively speak for myself; I never asked a man who he was going to vote for; I never asked a question about it, as far as I am concerned.

11186. *Chairman.*] It was stated by Mr. McDermot that in the case of an escort on the 27th of November, which marched a number of voters into Ballymote, it did not go by the direct road to Ballymote; but Mr. McDermot stated that it went by a road which was double as long as the direct road, and being asked, at Question 8551, what was the object of marching them such a long distance round, he says, "it was done for display, and the people were convinced that it was done to indicate that Government intimidation was combining with landlord intimidation, and that the one was made use of to supplement the other, and hence a great deal of evil accrued;" do you know anything of that?—I presume that Mr. McDermot alludes on that occasion to the escort which I took to Tobercurry on the 26th. The reason why I took that route was, that I believed it was just as short to come back by the road I did, as to come back by the road that I went; for instance, I did not want to pass through the village that I went through in the morning, which was a village greatly disturbed during the whole time, and a cause of great anxiety to me, Buninadden. It was a place greatly disturbed, and in going through it that morning I was hooted, and some stones were thrown; even as early as seven o'clock; they turned out in force, and if I had come back by that same road I should never have got in at all, I should not have got through; I had arranged with Captain Peel to come to meet me, and give me his assistance on the other road, and that is why I came back that road, to escape coming back through the village of Buninadden, and also to receive the assistance of a large escort, which was out in that part of the country, and coming round; I only having a small escort of a few

Major *J. W. Percy.*

2 July 1869.

few policemen, and far from being an exhibition at all; it was very much the contrary.

11187. Sir *George Grey.*] When those voters are being escorted, supposing any of them say they wish to leave the escort and to return home, are they allowed to do so?—Yes; they are permitted to leave instantly.

11188. Have you known cases of that kind occur?—Yes; that very day Mr. M'Dermot came up to me and said, "Major Percy, there are two men here in the escort that say they do not want to go on." I said, "Both of them may go back if they like. I do not care where they go to; where are they?" I went back with him, and he said, "Those two men say that they do not want to go on." I said, "If you say you do not want to go on, why go back; if you do not want to go on I do not care where you go;" and they went back on the spot. Then I shouted out at once on the side of the road, there was a great crowd, and I said, "I am not come here to take anybody, I am only come to afford protection to anyone who comes under my charge when they ask me for it."

11189. I understand that you have had a great deal of experience in contested elections in Ireland?—I have been at four or five.

11190. *Chairman.*] Do you think that the voters are generally aware that they are perfectly free to go on with the escort or to leave it?—I do not know that; I could not say that I could give a positive answer upon that head. From one or two cases that have come under my knowledge I should rather be led to the impression that they have thought that they were under escort; by escort I mean that they would not be allowed to leave. I have that impression upon my mind.

11191. That they were prisoners?—That they would be brought in; but after I had acted as I have said, they all escaped.

11192. Was it usual, when you accompanied an escort, to make any public declaration that the voters were perfectly at liberty to go on or go back, as they pleased?—I always have done so myself, individually.

11193. Sir *George Grey.*] When you take an escort to a place from which voters are to come, how are the voters collected and put upon the cars?—I do not know anything about that.

11194. But you have been present with escorts, have you not?—I was going to say that I have written to the agent in answer to an application from him for troops, to state, "I shall be with a certain number of troops at a certain point, at a certain hour, on a certain day, and anybody there at the time I shall be glad to give protection to."

11195. Have you ever yourself accompanied one of those escorts, for the purpose of bringing in voters at any time, on any other occasion than the Sligo election?—I have escorted a great many voters upon one occasion, 12 or 14 miles.

11196. Do you take the escort to the place where the voters have to come from?—No, they bring them to me; I take the escort to a given point in the district in which the voters live, and then their agents, or whoever they are, bring them to that spot.

11197. They are brought by the agents, are they?—Yes, they are handed up to me.

11198. And placed upon cars by the agent?—Yes, they are placed upon cars by the agent, and when he has got them all in, he comes up and says, "I have got all my men in, will you start?" (That occurred to me before this election.) And I have said, "Yes, I am very anxious to get on; we will go as fast as we can."

11199. Do they come up individually, and beg for an escort, or do they come up in a body under the charge of the agent?—I cannot tell at all; I do not know that.

11200. I want to know how it has been in the cases in which you have been an eye witness?—They have driven up on cars in a body, perhaps five or 10 or 20 cars together, in a long string of Irish cars.

11201. *Chairman.*] It was stated that a general belief in the county was, that it was the intention of the Government to intimidate the voters by means of those escorts; have you reason to suppose that any such general impression existed?—I have no such notion at all; I do not believe anything of the sort existed.

11202. Have you had much conversation with the lower class of voters?—I have very often conversed with them, having had occasion to visit them during the 20 days that I was in Ballymote; I had to go out every morning in my life to visit the scene of some outrage the night before; that was what I was sent there for.

11203. Did you receive the impression when they were going to vote with their landlords, that they were going to do it willingly?—They were very greatly distressed, and in a very great state of anxiety about the whole subject, and very much annoyed at their property and houses and everything being smashed to pieces at night. I think they were in a very excited state and very much annoyed about it; they were in a very great state of perplexity to know why they should be so treated.

11204. Treated by whom?—To use the words of one or two people, they said we were afraid either of eviction or of the priest; either one or the other.

11205. There was a prevalent fear of eviction, was there?—Those were the words that one or two people said to me, and the priest particularly they said.

11206. What was the nature of those outrages which took place at night?—I have a whole string of them that I reported to the Government, beginning with the 17th of November: "Ballymote, 17th November 1868. I have to report that on the night of the 15th instant, about the hour of 11 o'clock, a party of men numbering between 15 and 20 called at the house of Charles Tighe, of Knockmoynagh. They forced open his door, after which they dragged him about and kicked him, and swore him to give his vote to Mr. O'Conor, the Liberal candidate, at the ensuing election, and on his doing so they left. On visiting him on yesterday I found him in bed; he stated he was ill from the effects of the beating he received, although my own opinion is that he is only pretending illness, and I am borne out in this opinion by Dr. McMun, who visited him on yesterday, who told me that he saw no marks of violence whatever on his person, nor was he, in the doctor's opinion, ill. Tighe also stated that he did not know any of the party who visited him, nor could he describe them."

11207. Who is that signed by?—I am not correct in stating that it is addressed to me individually; it is to the Inspector General of the Constabulary, but a copy was sent to me by the sub-inspector, Mr. Williams, at Ballymote.

11208. Sir

11208. Sir *George Grey.*] Who was Tighe?—He was a tenant farmer.

11209. *The O'Conor Don.*] Are you aware that he was a brother of the parish priest of Ballymote?—I am not aware.

11210. Sir *George Grey.*] Do you know whom he voted for ultimately?—I do not know a word about it. I have here another abstract of statement made to the Inspector General. "Ballymote, 19th November 1868. I have to report that on the night of the 16th instant, about 11½ o'clock, a party of persons, consisting of from 15 to 20, called to the house of Luke Healey, of Cloonkeeny, and on being admitted, they took him (Healey) out of his house, and swore him to give his vote to Mr. O'Conor, the Liberal candidate for this county at the ensuing election. One of the party struck Healey on the head with a gun which he carried, but did not hurt him much. The same party visited the houses of Patrick McGetrick, of Emlaghnaghton, John Coleman, William Flanagan, and Thomas McGetrick, of Rathdooney, John Healy, of Cluid, and Farrell Quigley, of Corrancushacline, the greater part of whom they swore to vote for Mr. O'Conor. I have been accompanied by Major Percy, R.M., on yesterday evening to the houses of the persons visited, who examined some of them on oath, but who denied that they knew, nor could they describe them."

11211. *Chairman.*] You visited some of those people?—Yes; all those people that are named here.

11212. Did they make those complaints?—Yes; and I certainly believed in the statement, for it was taken down by the sub-inspector at the table on oath.

11213. Did the information which put the sub-inspector in action proceed from them?—The police, having heard that such-and-such a house had been visited, were out all night, because the country was patrolled by them. Every morning a report of those outrages used to come in to me at Ballymote.

11214. Do you know any case where persons who had been visited in this way in the middle of the night, made complaint and asked for protection?—No; none ever came to me demanding protection.

11215. Are the other cases like those you have read?—Yes, they are all the same.

11216. Sir *George Grey.*] It has been stated to the Committee that this sort of intimidation which you have been describing is practised in some cases with the consent of the person supposed to be intimidated, in order to give him an excuse for voting against his landlord's interest; do you believe that to be the case?—I should, of course, speak under great reservation, after a man swearing to you that he did not know anything about it; but I candidly confess that my impression led me to form such an idea upon one or two occasions, that the man was humbugging.

11217. In none of those cases did the persons identify those who had committed the outrages?—No.

11218. And their injuries were very slight, were they not?—Yes, that is so.

11219. It has also been stated to the Committee that, but for the escort that goes to conduct the voters, in many cases the voters would not come to the poll at all, as they do not wish either to incur the danger of eviction or to offend the priest; is that your opinion?—I cannot answer that question, whether that is so, because I never have, for one instant, compelled men to come. I have, on the contrary, told them that the Government sent me there, not to force them, but to afford them protection, if they wish to come.

11220. Have you formed any opinion as to the unwillingness of voters to vote at all from fear of offending either the priest or the landlord?—Yes, I can answer that question; I think that some of those men would rather not have voted at all; people have made use of that expression to me on their knees; there they have been, their wives all howling, and the house damaged and wrecked to pieces.

11221. *Chairman.*] You received, did you not, a great number of reports similar to those you have read to us?—Yes, there are a great number of them.

11222. But they are much of the same character?—Yes.

11223. Was there any case in which a voter had suffered severe personal injuries?—Yes, I saw them very much so, with very bad wounds in the head and bad cuts, the whole place broken, the windows smashed, the door in pieces, and the houses utterly wrecked.

11224. Were those Protestants or Roman Catholics?—I cannot state that; I never asked the question.

11225. *The O'Conor Don.*] Could you give the names of those who were injured in that way?—I think they are all in these reports which I have been reading.

11226. I mean in any case where a person was seriously injured?—Indeed I did not take that down especially, but I saw people with cuts, for instance, on the side of their heads; I saw two or three who had been very much hurt. In answer to the Right honourable Baronet, I may say that this is a report which the sub-inspector, Mr. Williams, made on visiting a man named Michael O'Connor. "I have to report that on the night of the 18th instant, about the hour of four o'clock, a party of persons, between 20 or 30, called at the house of Michael O'Connor of Spurton, and after getting admittance they swore him to give his vote to Mr. O'Conor, the Liberal candidate for this county at the ensuing election. On this day I visited O'Conor accompanied by Major Percy, who wished to examine him on oath; and on tendering him a book he refused being sworn, which led Major Percy and myself to come to the conclusion that his statement in the first instance was not correct, and that he wished to have it believed by his landlord that he was coerced to give his vote to Mr. O'Conor. It appears that his landlord, Mr. O'Reilly, has given his interest to Sir Robert Gore Booth and Colonel Cooper."

11227. *Chairman.*] Have you found any cases in which voters were seriously injured who were subjected to those nocturnal outrages?—I have read one.

11228. Sir *George Grey.*] You said that on one man being examined he was found not to have sustained any serious damage; were there any cases in which the persons who were examined were found to be suffering from those injuries?—They were more or less suffering when I saw them; I do not know whether they were dangerous injuries. You may see an Irishman in court one day with his head tied up, and he makes a great fuss about it, and then five minutes after

Major *J. W. Percy.*

2 July 1869.

after the case is over the whole thing is off and it is all smooth again.

11229. You never found anything more than that?—No, certainly not.

11230. *Chairman.*] Did you take any steps to repress this system of nocturnal outrage?—Yes, patroles were out, and there was a constabulary station established upon the district of Buninaddan, in the very centre of that disturbed part, because it was all confined to one portion of the county.

11231. Did those measures have any effect in checking the outrages?—They were not so frequent, I think, but they continued up to the 25th.

11232. Sir *George Grey.*] Did the police ever fall in with any of those parties that were going round to intimidate, or to profess to intimidate?—No, they did not. I had judicial knowledge of the fact that on the night before that escort went to Coolaney on the Thursday night, the police that night did fall in with them; the party fired on the police, and the police fired on the party again, and they were caught, and they are now undergoing imprisonment for being out under arms at night, to the alarm and terror of the country.

11233. What date was that?—On the Thursday night, the 26th of November, before the escort went out.

11234. *Chairman.*] Was this election at Sligo accompanied by more violence than other county elections that you had seen in Ireland?—Very much more; it was the worse, because it was so long before the election that it began. In the northern part of Ireland, or anywhere else, it began 48 hours before, perhaps, but here it was a whole three weeks, and we wanted the troops and police there all the time, the country was disturbed so long a time.

11235. Had you on previous occasions seen very serious disturbances?—Yes, throwing stones, and so forth, but it was all over in a day.

11236. Sir *George Grey.*] Was there any loss of life in the course of this election?—Not under my own knowledge. I believe there was some loss of life there (in borough of Sligo), but not to my own knowledge; there was a man hurt in the hand. There was firing at night, and that sort of thing; and a man was shot in his hand, and a man has been tried for it, with I forget what result at this moment.

11237. *Chairman.*] Have you formed any opinion as to the expediency of the use of soldiers and constabulary at Irish elections?—I have thought of the matter for a long time, and I have formed a very strong opinion about it, that if I could get rid of the use of the soldiers I would cease to employ them certainly.

11238. Sir *George Grey.*] Do you mean soldiers as distinct from constabulary?—Yes, precisely.

11239. *Chairman.*] On what ground would you get rid of them?—They are hampered by orders. I will give an example: suppose Mr. Light, or Mr. Ormsby Booth's agent, comes to me and says, "I want a party to go to a certain place 12 miles off; there are some men there who ought to be escorted, and I require an escort from you." I have 50, or 60, or 100 troopers and their horses for the purpose, who, I presume, are sent to me to use to the best of my ability for the preservation of the peace, and to forward everything in the best way that it can be done. I send to the officer commanding the cavalry detachment, and I tell him I want 20 troopers and a subaltern to go 12 miles off at once, at night, at one o'clock in the morning, and he sends me this back in answer to my requisition. "Sir,—In accordance with instructions received from the Adjutant General's Office, Dublin, I am unable to furnish any escort of cavalry without infantry." I say that that paralyses me on the spot; then I must go back again to Mr. Ormsby Booth's agent and say, "You must give me cars for 30 men, for I want four infantry on a car at the outside;" so that I should require eight or nine cars for a very small party of infantry, which, according to Lord Strathnairn's orders, must accompany the troopers; and those cars are essentially necessary for going any distance to escort, say, 40 or 50 voters in other cars. If I take foot soldiers with me we are out the whole day of the election perhaps; and if I have got 20 troopers, and 20 or 30 infantry walking behind them, it will be an endless business unless I have cars for them.

11240. Sir *George Grey.*] In consequence of that you dispensed with the cavalry?—Yes, altogether.

11241. Do you know whether the voters came in to vote?—No, I do not.

11242. You do not know what the result was of refusing the escort?—I do not.

11243. *Chairman.*] Have you formed any opinion as to the effect which the employment of troops has upon the people generally?—Yes, I have; I think that the presence of the troops rather helps to attract a crowd.

11244. And to irritate the people?—No, I do not think so.

11245. Sir *George Grey.*] But you seem to think that they are of very little use?—I do not say that; I think that they are too much hampered by orders.

11246. When you say that you would dispense with them if you could, what do mean by that?—I would have the constabulary as being more handy and more useful; and a few of the constabulary will do more than three times the number of soldiers.

11247. *Chairman.*] Do you think that it would be possible in Irish elections to dispense altogether with an armed force?—No; and if you will permit me, I will say when I think that they would be necessary. I think that they would be necessary on the polling-day, to keep the approaches in the town open and clear.

11248. Do you think it is necessary to employ them as escorts?—Some escorts are sometimes required; but as I have said before, if you have cavalry, you must have a string of cars, with infantry after them.

11249. I am speaking either of soldiers or police. Do you think it is absolutely necessary in some counties in Ireland, that an escort of some sort should be sent a considerable distance to outlying districts, to bring in voters?—Sometimes, I am not prepared to state always; I do not think so, because if I sent every escort that was asked for in Sligo, I should have required the British army to be there to suit them at all.

11250. Mr. *Cross.*] Do you think that voters would come up without escorts?—I do.

11251. Do you think that they could come up safely without escorts?—I do; I have told the agents to let them alone, let them come in at night

night or any other way, without show and singly, across the fields.

11252. Without an escort of either police or soldiers?—Yes, I will give an instance of that; a man in the town of Tobercurry, on the 26th of November, who rather wanted to come in under my escort, a poll clerk or somebody of that sort; I neither told him to come or not to come; however, somebody wanted me to give this man official protection; I asked him, was he a voter at all, a freeholder as they call them, and I was told that he was not a freeholder; I said, "Very well, I certainly shall not take any man who is not a freeholder, and I certainly shall not take in that man, because he does not require to come in; let him stop at home; he has no business there." That man was in Ballymote two hours before I was myself.

11253. Sir *George Grey.*] You think that the voters who are willing to come, might come, and, those that were not willing would stay away?—Yes, a very respectable man told me that day, "If you leave that man behind you will be answerable for his life." "Very well," I said, "all right;" and the first man I saw when I came into the town was this gentleman, and he told me that he had been in two hours before I was, and had never met a human being.

11254. Sir *Frederick Heygate*] How long have you been a resident magistrate?—Five years; since the 9th of March 1864.

11255. Who appointed you to that position?—Lord Carlisle, I think it was.

11256. Were you previously in the army?—Yes.

11257. For how long a period?--For 18 years.

11258. Upon what principle does the promotion of resident magistrates proceed; are they promoted on account of long service, from one station to another from different grades?—I do not know; I know that I am in the same grade that I was in when I began; I have not yet been improved in my position since I joined; I believe that I am not entitled to it yet.

11259. You, of course, show no political feeling on one side or another?—I have no feeling either way, and I think soldiers never have.

11260. It has been stated here that the presence of troops and escorts influences the elections; is that your opinion?—No, I do not think so, as I said before, I think that the troops tend to collect a great crowd of people, which is always objectionable in my mind.

11261. Will you explain to the Committee what you consider to be your position and strict duty as a resident magistrate, when you are sent down to a town where an election is going to take place?—I receive an order from the Chief Secretary to go to a certain station and to stop there, keeping the peace during such election. I proceed to that town, and I put myself in communication with the nearest local justice of the peace and the nearest central town magistrates, and I try to collect from them the state of feeling, the circumstances of the place, and all about it. I must form, of course, my own opinion and judge entirely for myself. Then I find in elections that the local justices of the peace are unwilling to act as magistrates, and I think naturally so. They are men who cannot act; they have their own people to look after; they are going to vote themselves; they perhaps may be obnoxious, and one thing and another may happen, and they say that they will not act; and that is the reason given by four or five resident magistrates that I have seen at the last Tipperary election.

11262. How many were there on this occasion?—Two; Captain Peel came up just at the last day.

11263. But how many in the county?—A great many, I think.

11264. Were there as many as 10?—There were four at Sligo, two at Easkey, and two at Ballymote. Captain Whelan was there, and Mr. Caulson was there.

11265. Do you constantly go for assistance in the preservation of the peace to the local magistrates?—Yes.

11266. Do they act in concert?—No, we are all detached.

11267. You each act upon your own responsibility?—Yes; we are obliged to do so. We are sent to particular spots, and told to stop there.

11268. You consider yourself charged with the preservation of the peace in all that district?—Yes, personally responsible.

11269. And in no way to interfere with the election?—No, in no way; we cannot do so, I think.

11270. You understand your duty to be to receive any complaint of danger that may exist, and to provide against it?—To take every means possible within your power, and according to the means placed at your command, to prevent a breach of the peace if possible, and so put an end to it as speedily as possible if unfortunately it should occur.

11271. If those applications for escorts are made to you, are they always obliged to be made on sworn informations?—I had never had them upon sworn informations before.

11272. Are they not many in that return of The O'Conor Don's that were made upon sworn informations?—I see that there are; but I had never seen this done before; but the circumstances in the county of Sligo, as I said before, were different from any other election that I was ever on; we never did it in Tipperary, where we had a great many escorts in a large district of 30 or 40 miles to traverse, and in that case it was only two days before, and at Lisburn in the North of Ireland the same, and at Tallaghmore in King's County the same, which was a very strongly contested election; there the escorts were always employed, merely for the one day, and there was no previous animosity, no dreadful feeling like it was in the county of Sligo; therefore the circumstances were so different that they have no comparison at all.

11273. When an escort is given, is it necessary that it should be accompanied by a magistrate?—That is my own opinion.

11274. Is it the rule?—I say soldiers certainly should be; I do not say the same with regard to policemen; I say that for the protection of the peace a police officer must have it within his power to go without a magistrate.

11275. The difference between the constabulary and the soldiers, as I understand it, is that the soldiers ought to be accompanied by a magistrate, and the constabulary can act upon their own responsibility?—Yes, they should do so.

11276. Each constable and soldier being a peace officer?—Yes, every man of the police, I say, represents the majesty of the law.

Major *J. W. Percy.*

2 July 1869.

11277. Is there any difference in their arms?—I think the constabulary are better armed, for they have got the Schneider rifle, and beautiful weapons altogether.

11278. It was stated in evidence before the Committee that in one instance the police were marched by a circuitous route, was that the case?—It was done to save themselves from impediments.

11279. It was done, was it not, to avoid any chance of a conflict with the people?—They came by a bye road, instead of by a public road, that was the only difference.

11280. Are the voters under escort compelled to go to the poll?—I do not consider that they are compelled to go to the poll; I do not care whether they come or not, they may go away if they like, I should never dream of bringing them to the poll.

11281. Mr. *Gathorne Hardy.*] If a voter asked you, he could go at once, could he not?—Yes, certainly.

11282. Sir *Frederick Heygate.*] It was stated in evidence that voters under escort were practically prisoners; is that your opinion?—No, it is not.

11283. At Question No. 7516 of Major General McMurdo's evidence, there was this question: "In what light do military officers regard those voters that are committed to their charge; do they regard them as free men whom they are bound to protect, or do they regard them in the light of prisoners?" and the answer given was, "Practically as prisoners; in receiving charge of a number of men, with orders to take them to a polling station, the officers are bound, according to their ideas of military usage, to take care of those men, that they do not escape, and that others do not injure them." Then Question No. 7519 is this: "And you were determined, in the case where you were employed, that they should not escape?" and the answer is, "Certainly; I gave most specific instructions with regard to the conduct of the officers and their men, in the event of their convoys being attacked." Is it your opinion, as a resident magistrate, that voters in that condition are prisoners?—Certainly not.

11284. Do you think that they consider themselves so?—I could not really say; some people, I daresay, do believe it. My mind would lead me on some points to arrive at the same conclusion, that they have imbibed the idea that they would be compelled to come to the poll.

11285. *Chairman.*] Do you agree with the opinion which was expressed in the answers which have been read to you, that the officers of the army generally understand, or are under the impression, that they are bound to prevent their escape?—I could not say that; I do not think they are; I should say not. With regard to the men whom I have had to deal with I have told them, "You have nothing to say in any matter; do what I tell you; I am responsible, and not you."

11286. There was one question which was not read to you: "The officers understand that they are to take care that those men do not escape?" and the answer was, "Certainly; I gave orders myself in Tipperary that, in case of attack, the voters should not be allowed to move for fear of their being taken for rioters." In your opinion, would not many officers, in case of their escort being attacked, think it their duty not only to protect their voters, but to prevent the voters escaping under cover of the attack?—I should say not to prevent their escaping; I should say that it was their duty to prevent them, as far as possible, from being molested.

11287. Do not you think that is the impression of many officers that such is their duty?—They, perhaps, may have that impression; not all, I should think, but some young officers might think so.

11288. Sir *Frederick Heygate.*] It was stated in Major General McMurdo's evidence that he believed that in many cases there was no necessity for so large an escort, or for any escort, because no attack had been made upon the voters. Might not, in your opinion, a great necessity for an escort have existed although no subsequent attack had been made?—Yes. It is the presence of the armed power, or the law, that saves them a probable breach of the peace. I am quite of opinion that prevention is the very best course to adopt.

11289. At Question 7653, referring to the evidence about voters being taken as prisoners, Mr. Gathorne Hardy asked Major General McMurdo this question, "Did I rightly understand you to say that the voters were taken as prisoners?" and the answer was, "That is our feeling;" and the next Question, No. 7654, was, "But, I presume, that if any one of those persons were to tell the escort, or the commander of the escort, that he wished to be left, he would be left?" and the answer was, "No, certainly not." Do you agree that that is the practice in the Irish elections?—No, I do not know that it is.

11290. The next question is, "I understand your orders to apply only in the case of an attack upon the escort; but supposing that at the starting any one of them said, 'I do not wish to go,' do you mean to say that the escort would compel him to go?" and the answer was, "Certainly." Is that your view of the matter?—I should never recommend any officer in that way, because I consider that the officers are under my orders for the time being, and I should certainly never give them such instructions as that.

11291. As a resident magistrate you would state that such an idea amongst voters would be entirely a mistake, and also if such an idea existed amongst the officers as to their duty, it would be a mistake?—Yes, and amongst officers in general I do not think it is so. A young man may have an exaggerated idea, perhaps, of discipline, and he may think that if he is upon the escort he is bound to bring them in; but I do not regard it so.

11292. Mr. *Cross.*] The next question to General McMurdo was, "Do you mean from the time the commander of the escort receives the voters he would not allow him even of his own free will to go?" and the answer was, "He should take the very greatest care of him, and take care that he does not move from his seat. That is one of the inconveniences of the employment of military men on such service." Do you agree with that opinion?—It is a great inconvenience, certainly; but I do not think that a soldier has anything whatever to say as to the voter retaining his seat or vacating it. That is my idea about it.

11293. Sir *George Grey.*] Who gives the instructions to the military officer in command of one of those escorts?—I should say the magistrate who signs the requisition to him, and goes with

with him, and stops by his side the whole time; he tells him what to do.

11294. Does he ever give written instructions to the officer as to what he is to do?—Never, because he is under his eye all the time; he never should leave him; I always tell the officer not to go out of sight.

11295. Do you mean that in every one of those escorts the magistrate is present with the officer commanding the troop?—I never knew an escort to be without.

11296. Sir *Frederick Heygate.*] In your opinion, what would have been the result if those escorts had not been granted in the case of the Sligo election?—There were only three or four granted altogether from beginning to end; I mean, including the patrols, because many of them were not escorts. In the case of the one at Tobercurry, if I had not gone to Tobercurry with those people I do not think that they would ever have got in, from the great resistance which was offered to me.

11297. Would those voters have been intimidated from coming to vote?—I think they would.

11298. By whom?—By the Liberal candidate's party, certainly.

11299. Was there a great excitement at that time in Sligo?—There was fearful excitement.

11300. Was that caused by the speeches of the candidates, or was it caused by the speeches or harangues of other parties?—It was caused, I think, partially by the harangues of the reverend Catholic gentlemen from the pulpits.

11301. Did the priests and clergymen take part in that election?—Yes; Mr. McDermot, for instance.

11302. Did the clergymen of any other denomination, besides the Roman Catholic priests, adopt that course?—I never heard of any at all; I heard of the Roman Catholic priests doing it, because it was reported to me especially, and I have a report of it here.

11303. Have you ever had any experience of the northern counties of Ireland?—I have been up in the north three or four times, on the 12th of July, and at elections, and so forth.

11304. Have you seen the description given by the Chief Secretary for Ireland of the state of Ireland at the present time, two nights ago, in the House of Commons?—No, I have not seen it, because I was travelling yesterday all day, and I have not read it.

11305. It has been stated that the military are always brought into requisition by one side. When you have been to the north, has it been the case that military protection has been applied for and has been given, on a requisition, on the side of the Roman Catholic party?—As far as that is concerned I cannot answer that question, because I have no reason to know why I have ever gone to the north of Ireland. I have been ordered, and I have gone, and when I have been there neither party has ever come to me for assistance, as a party.

11306. Have you no knowledge that application is made in the north of Ireland by the Roman Catholic party as against the other party?—I do know it from other sources; but not from my own knowledge.

11307. Referring to the last election in the county of Sligo, was more military force than usual sent down there?—There was a greater force at the last election, and there were a great many more available and free; and there was a prevailing opinion in the country that there would have been possibly serious breaches of the peace; and I have no doubt that the Government, acting on the information which they received, took care that there should be no possible danger.

11308. Had you any special orders given you from the Government?—None at all.

11309. You had no orders of a different nature from what are usually given at elections?—I had none at all; I was merely to go off and do my duty where I was stationed.

11310. As resident magistrate of the county of Sligo, did you report to the Government the state of the county?—I reported with respect to the number of outrages and things of that kind. There is a special provision in the instructions that there is no necessity for sending up a duplicate report, because the report goes in to the Government itself, through the Inspector General.

11311. Did not the magistrates ask for an additional force on account of the disturbed condition of the county before the election?—I suppose the magistrates did; I did not ask.

11312. You were there a very short time, I believe?—Yes. And the short time I was there the county was in a very excited state; it was on the boil when I arrived there.

11313. Mr. *Gathorne Hardy.*] Did you ask for additional police force?—Yes. I did not ask for soldiers; I wanted police, and I pressed for police, knowing that they were all free from other parts of Ireland, the other elections having been all over; therefore I asked for them and got them.

11314. Mr. *Locke.*] But you made one application for soldiers when they said that you must have infantry?—They were on the spot; that was a local application.

11315. Sir *Frederick Heygate.*] In collecting voters for escorts you stated, in answer to Sir George Grey, that those voters were brought by agents; how do you know that they were agents?—I had been associating with them for some days before, and had attended meetings where they came in as the representatives of the landlords.

11316. Did they act as election agents?—Mr. Swansey, whose application to me is referred to in the Parliamentary Paper, was an election agent; the other parties were land agents. They were their landlords assistants in managing their property.

11317. Was it the case on both sides that the land agents acted for their respective candidates?—That would be so if there was a necessity, but there never is; there is only a necessity on one side; there are never two sides at all, if I may use the Irishism, because one side of course see that there is no obstruction to their coming in, "only to the other side."

11318. You mentioned Captain Peel's name, how often was he associated with you?—A short time; he came down a few days before the election began.

11318*. Sir *George Grey.*] Was he a resident magistrate?—Yes.

11319. Sir *Frederick Heygate.*] In General McMurdo's evidence, at Question 7521, he recommends the arming of part of the soldiery with sticks, and that they should only in self-defence resort to their mortal weapons; as a resident magistrate, what do you think would be the effect of that?—There would be a dreadful "wattling" match,

Major *J. W. Percy.*

2 July 1869.

match, as they call it in Ireland, if there was anything of that sort done.

11320. Would not they be able to keep the peace?—I do not think so; I think there would be a regular row.

11321. The constabulary in Ireland are armed with the rifle, and in that respect are in quite a different position from the police in this country; do you think that it would be possible to take away the rifle and make them still efficient as a constabulary in Ireland?—I do, to a great extent; I think they are too much armed certainly. For instance, if I had 200 of the constabulary at an election, I should be very glad to have 100 of them with their short batons; I think they would be very useful, and would know how to manage a mob better. Fancy "soldiers" joining in a *mêlée* fighting with sticks, nothing could be more absurd; whereas, policemen are used to it every day.

11322. Sir *George Grey.*] Have you read General McMurdo's evidence, and the reasons which he gives for his opinion?—I just read sketches of the report in the paper, here and there, I have not seen it *in extenso.*

11323. Sir *Frederick Heygate.*] What number of polling places are there in the county of Sligo?—I think there are only three, Easkey, Ballymote, and Sligo.

11324. What number of voters are there in the county?—I do not know the number.

11325. Have you any idea of the average distance which voters would have to go to the poll?—Some very long distances, 15 or 20 miles in some cases, a great deal too long.

11326. Is it your opinion that a good deal of the necessity for escorts arises from long distances that voters have to go to the poll?—I think so; I have always thought that there ought to be more polling places, and more facilities afforded to the population of the country to record their votes.

11327. Supposing the polling places were only two or three miles apart, in your opinion, would it be possible to do without the military in that case?—Yes. In the Tipperary election two years ago, which was a dreadful contest between Captain White and Mr. Waldron, I had to ride 12 miles with a squadron of Scots Greys the night before, from Nenagh to Borrisokane; it is 11 Irish miles from Nenagh to Borrisokane. I was given instructions to go there with a squadron of Scots Greys, and to start from thence back the next morning again to Nenagh to bring up voters from the barony of Lower Ormond, the most distant point of which from the polling place was somewhere over 20 Irish miles, and I had about 150 or 200 cars in my charge on that occasion. They had to come from within one mile of Parsonstown from the end of the Lower Ormond district of Tipperary to Nenagh to record their votes. It is over 20 Irish miles, and if they had come to where I had started from to go to Borrisokane, it would have been half the journey exactly.

11328. Sir *George Grey.*] Was there no polling-booth at Parsonstown?—Yes; but it is not in the district, it is in another county. If there had been a polling-place at Borrisokane, which is a very good town, and a very large place, and afforded the military accommodation for 80 horses over night, and a good hotel, it would have saved a great deal of trouble; they had to pass that village and to go 11 Irish miles further on to Nenagh. They wanted me to bring them back again that night, but I said I would not do so.

11329. Sir *Frederick Heygate.*] In the county elections, is the danger greatest in getting to the town where the voter is to be taken, or in the town itself, when he is there?—The difficulty is to get him inside the town at all.

11330. When he gets into the town is it perfectly straight sailing?—He mixes with the crowd, and there is an end of it. We always escort them to the poll if we bring them there on the morning of the poll, but if we brought them in beforehand, as in this case of Sligo, they were left at the edge of the town, and we never saw them again; but I never saw that done before.

11331. Did you have any difficulty in keeping the passage to the poll open?—We had a strong force, and we kept the course open.

11332. If you had not had that force, would there have been any difficulty in keeping the course open?—There was a violent mob, armed with sticks.

11333. Was it the object of that mob to prevent voters from polling?—It would have been if they could have surrounded and closed up the polling booth, but it was kept clear a quarter of a mile down from the place, and there was as much freedom as there is to walk about here now.

11334. In case the ballot was established, would there be the same difficulty in getting to the poll, do you think, and the same necessity for the employment of a force to keep the approaches clear?—I should think not.

11335. Why?—I am not competent to give an opinion upon that, because I have not studied the question; but as far as I can judge, I should say there are a great many men who would wish to record their votes in secret, and be very glad to do it.

11336. Is it your opinion that there is much intimidation exercised by landlords upon voters going to the poll?—I cannot say as regards landlords; I do not know anything about landlord intimidation; I do not think there is; but I think there is intimidation of some sort put upon them.

11337. Is it the intimidation of the mob, or of public opinion?—I must say, from my experience, that I think it is spiritual intimidation by the priests.

11338. In the evidence given by the Reverend Mr. McDermott, at Question 8622, he is asked, "Is it your belief yourself that the Government intended to intimidate the voters by those escorts, and by the employment of the constabulary and the soldiers"? His answer is, "I believe that the Conservative candidates and the Conservatives of the county did so intend. Whether the Government or the executive really so intended or not I cannot judge, but I believe that such was the intention of those who sent out the force." The next question is, "Do you attribute to the Government the intention to intimidate the voters by the employment of the military at the last election?" To which he answers, "I attribute that to the officials of the Government in Sligo certainly, without any doubt whatever; I attribute it to the stipendary magistrate and to the high sheriff, as far as I can judge." At Question 8624, he is asked, "Were there several stipendiary magistrates employed in the election for the county?" The answer is, "Yes, but one was more remarkably so than the others"; are you that one?—I do not know who he refers to.

11339. Who

11339. Who was the sheriff?—The sheriff was Mr. Howley; but I think there was a change. On the 28th of November I got an order from the high sheriff, Mr. Orme, which was my first official knowledge of the gentleman to conduct the business. "Sir,—You will please take under your command the military and police stationed at Ballymote during the election, and see that they act effectively and with as little violence as possible whenever in your direction they are required. I am, sir, your obedient servant, *Robert Orme*, High Sheriff, county Sligo." That is the deputation which he sent to me to act.

11340. Was he high sheriff during the whole of the election?—Not at all.

11341. Was he high sheriff at the beginning of the election?—No, he did not fix the day of it or anything else; I believe he was not high sheriff till just before this date.

11342. Then there was a previous high sheriff who was superseded in the middle of it?—Yes; he was ill, I think; I do not know him.

11343. Is Mr. Orme, the second high sheriff, the person who is alluded to in this question which I have referred to?—Yes.

11344. What are his politics?—Upon my word I cannot tell you.

11345. At Question 8626, Mr. McDermot is asked, "Are you speaking now of one particular stipendiary magistrate?" and his answer is, "Yes, I think that one stipendiary magistrate was much more hostile to the Liberal candidate in Sligo; I do not speak now merely of the county, but of both the county and the borough elections; I think there was one more hostile to us than the rest, at least such is the general impression;" does that refer to you?—I have no idea in the world; I was not in the borough of Sligo at all.

11346. Was any complaint, to your knowledge, made against you to the Castle of Dublin for your conduct at the election?—I never heard of it in my life. In fact everybody at Ballymote, every gentleman, including the Roman Catholic priest himself, a gentleman whom I met every day, and received the greatest assistance from, a kind, nice, gentlemanly man, said, when I was going away, that they were all very much pleased with my services; several people told me that there was no disturbance, that I kept the peace of the place, and that there never was an election business terminated so quietly as at that time.

11347. Do you consider it part of your duty as a resident magistrate to help the other magistrates who may be landlords to bring voters to the poll who are their own tenants, like a flock of sheep, against their will?—I do not recognise any such thing; if a man comes under my charge and asks my protection, I give it.

11348. It has been insinuated in this examination, to a great extent, that the Government helped the landlords to intimidate their tenants and make them vote against their will; I ask you, as a resident magistrate, have you any idea that such a thing was done?—Not the least in the world; not to my knowledge. I cannot fancy any resident magistrate doing it. I cannot fancy any man who had got a due regard to the position which he holds, which is one of pure disinterestedness as a Government officer, and I may say, an officer of the Crown, interfering in any way at all. I never heard of it and never saw it, and I live in the midst of a Roman Catholic population altogether in Galway.

11349. On the whole you consider that the election was satisfactorily conducted?—I thought so, and I received such an intimation from parties of opposite politics.

11350. Do you think it would be an improper imputation upon the late Government to say that they sent down troops with the view of influencing the election?—I should think it would be highly improper.

11351. Your opinion is that they simply took the course which it was their duty to do?—Certainly.

11352. Sir *George Grey.*] I understood you to say that the priests were on one side, and the landlords on the other, and the tenants were in great apprehension of the consequences of their voting for either the one or the other?—Yes.

11353. And that was a notorious fact?—Yes, certainly.

11354. *The O'Conor Don.*] Which do you believe the voters were more afraid of, the priests or the mob?—I do not know that I can answer that question.

11355. Sir *Frederick Heygate.*] It has been stated that the disposition of the troops sent down by the late authorities was different on this election than usual; was that done at the instigation of the magistrates, or was it the idea of the commanding officer Lord Strathnairn or General McMurdo, for instance?—I do not know. In the early stage of the proceedings, before we knew exactly anything about it, the details were sent out, and indeed I cannot say who sent the soldiers down into the county.

11356. They were sent as if they were going to occupy a hostile country and undertake a campaign?—Yes, and by doing so they were of great value.

11357. But that was not at the instigation of the magistrates in any shape or way?—I really do not know.

11358. Did you suggest such a thing to the officer commanding the troops?—I will tell you what I did. In the early part, when we had only a very small portion of police, Colonel Bruce wrote to me to know whether I thought the presence of another company or something would be required on the polling day. I said, "Yes, there are only a few soldiers in the town."

11359. With regard to the escorts, you stated, did you not, that when you wished to have an escort of cavalry soldiers you were refused it unless it was accompanied by infantry?—He said he would not send cavalry without infantry.

11360. I wish to know whether the magistracy had anything to do with that, or whether it was due to military strategy that such measures were organised to occupy the country, that is to say, was it at all necessary to send infantry, cavalry, and artillery to escort those voters?—I do not know what was the opinion in other parts of the country. There were other districts, and there were other men of importance; there was the high sheriff, who was a very important functionary, and whatever he might have done, I had nothing to do with it.

11361. Mr. *Locke.*] On which side were the mob?—On the Liberal side.

11362. And the priests were on the Liberal side?—Yes, of course.

11363. Were all the priests on the Liberal side?—I do not know. Mr. McDermot, I suppose, was, from his own statements.

11364. I ask you, were all the priests on the Liberal

Major *J. W. Percy.*
2 July 1869.

Liberal side?—I have no reason to say that they were not. I do not know.

11365. You do not know whether they were or not?—I should say that they were on the Liberal side; but I cannot swear to the whole of them.

11366. You have been asked about those escorts; who is it that applies for the escort; it is some particular person, is it not?—Yes.

11367. And is it for the purpose of conducting persons to the poll?—Yes, to the poll.

11368. Then, of course, those persons who are to be conducted are all persons of one way of thinking, are they not?—Yes.

11369. There was no mixture of Liberals and Conservatives that had to be taken to the poll?—No, not to my knowledge.

11370. When they start off to go to the poll what is the duty of the person who takes them; is it to bring them to the poll?—If they choose to come with him it is his duty to help them up, to escort them, to prevent their being attacked, and if he can to bring them to the polling booth.

11371. When they have once started from a place, can they get out of being escorted?—I should say that they can go if they like.

11372. Can they just get out of the car and go away, without saying anything to anybody?—I should say so, certainly.

11373. But is that always the case?—As far as I have anything to do with it, it is.

11374. Does not that depend entirely upon the person who is at the head of the escorts; and may he not act precisely as he thinks proper?—I have never conceived it possible to prevent their going away if they wanted to go away.

11375. What distinction do you draw between soldiers and policemen in Ireland; are they not pretty much the same?—In the form of the force and efficiency, and everything, they are the same, but there is a very material difference in their constitution; the one is a peace officer and the other is military; as a police officer a policeman is absolute; one policeman is as good as 500 as representing the majesty of the law.

11376. Are not the police in Ireland an entirely different class of men from those in England?—Yes, they are a perfect and complete military force.

11377. If you see them marching into Dublin, or any other place, you would not know them from a regiment of riflemen?—No, they are very much alike.

11378. You would say they were a rifle brigade?—Yes, they are dressed alike; they are a very fine body of men.

11379. What would be the distinction between the police and a body of soldiers with an officer at their head?—In my opinion the police do not require a magistrate to go with them at all; but as to soldiers, it is a paramount necessity that they should have one.

11380. Is it your opinion that a soldier would not be protected by the law in the same way as the police?—That is my impression, and always has been.

11381. A policeman would act at once in the execution of his duty, and a soldier would not unless he was directed specially by his superior officer?—By a civil officer; by a magistrate, or a police constable, I say.

11382. But as to a private soldier and an ordinary policeman, they are much about the same, are they not?—In physical force, and in arms, and equipment, they are nearly exactly the same, and in drill also.

11383. Sir *Frederick Heygate.*] Is their intelligence similar?—No.

11384. Who is superior?—The constabulary; a member of the constabulary force is a man perfectly well able to sit down and write a report fit for anybody to read.

11385. Mr. *Locke.*] Is that the case with every private policeman?—Yes.

11386. *The O'Conor Don.*] You stated that there were very few, only three or four, escorts sent out at the last election in Sligo?—Very few.

11387. Are you aware that according to the Parliamentary Return, there were 24 escorts sent out?—There were upwards of 20; but I mean as far as Ballymote and myself were concerned.

11388. But are you aware that they were sent out in the same way in different parts of the county?—I was not aware; I only referred to the cases of four escorts.

11389. On the 27th you went yourself, did you not, to Tubbercurry?—Yes.

11390. And you applied for an escort of military to accompany Captain Peel to Coolaney?—Yes, the same day.

11391. And those two escorts went out upon the Friday, the election being on the Monday?—Yes.

11392. How far is Coolaney from Ballymote?—I was never there; I think it is eight or nine miles.

11393. Coolaney being eight miles from Ballymote, an escort of military and police were sent out upon the Friday to bring in voters for the polling upon the Monday?—Yes, that was so.

11394. And you state that they did not succeed in bringing in any?—I was told that they brought none at all.

11395. Upon the Sunday, was not another escort called for to go out in the same neighbourhood, and bring in voters?—No; we had a correspondence upon the subject; an escort was refused, but a patrol was sent.

11396. It is stated, in the Return to Parliament, that they went out and brought in 60 voters; is that correct?—It is substantially, but not strictly correct.

11397. Those were the Protestant voters, who you say were able to walk in without any molestation?—So I heard.

11398. It would appear that the agent, Mr. Hamilton, applied for an escort upon the Friday, to bring in the Catholic voters?—I do not know what they were; I suppose so.

11399. Voters that did not want to come?—I do not know that.

11400. An escort was applied for to bring in voters on the Friday a distance of eight miles, and none of these voters came in?—None came in.

11401. And upon the following Sunday 60 voters who wished to come in came in unmolested?—That is quite true.

11402. You consider that you were quite justified in calling for this escort of military and police on a mere application of the agent of a landlord in writing, without any sworn information?—I thought it was sufficient; I had to send out to Coolaney to bring in voters on the Friday, and the application came from the agent of one of the parties concerned.

11403. Do you consider that, where the landlords and their agents come to an understanding that

that the voters are to be brought in, the resident magistrate is bound to send out an escort without any information being sworn to him that there is likely to be a breach of the peace?—I do, to a certain degree, as I said before.

11404. And you acted upon that supposition?—Yes; because that is what I had seen done elsewhere, where the high sheriff of the county is the party that has had to do with the general organisation of escorts.

11405. Where landlords meet together, and come to an understanding that it is time to bring in their tenants, do you consider the resident magistrate bound upon their application to send out escorts?—The sheriff and the deputy sheriff have hitherto asked for them, and the magistrates act on the best of their discretion.

11406. Without any application from the sheriff, you consider that it is the duty of the resident magistrate to obey the orders of an election agent?—You are sent there for the purpose of keeping the peace of the county.

11407. Were you at the late Sligo Assizes?—No, I was not.

11408. You stated that on one occasion, and only on one occasion, the police came in contact with those night rioters?—I happen to know that.

11409. There were shots interchanged on both sides?—So I heard.

11410. Are you aware that at the last assizes the judge who tried the case severely censured the conduct of the police?—No, I have not heard that.

11411. You stated that there was a man shot in the hand at Ballymote; was that man shot by those riotous mobs?—No, I do not know that; he was shot in the night before the polling; during the morning of the 30th of November.

11412. Do you know to which side of the politics that man belonged?—I do not.

11413. When you state that the electors are in dread on the one hand of eviction, and on the other of the priest, would it not be more correct to say, in dread on the one hand of eviction, and on the other of the mob?—Such was not my impression received at the time; I thought that they were afraid of denunciations from the altar, or eviction.

11414. Would not a denunciation from the altar follow just as much if, after having been escorted by the military or police, they voted against the priests' wishes?—It might, I suppose; but they were not to be allowed to do as they like, I think; that is my impression.

11415. What would they have done if they were allowed to do as they like?—I think in many instances they would have supported their landlord.

11416. From what premises do you draw that conclusion?—I do not know. I have no special reason for saying so; it is only a fancy of mine.

11417-34. None of them told you so?—None of them told me so; I had no conversation with them upon it.

11435. You stated that the military should never be without a magistrate; are you aware that in the county of Sligo they went out without a magistrate?—I am not.

11436. Do you consider that a police officer would be sufficient to accompany the military?—I do not think so, not if there was a magistate available; if he was not available, one constable would, in my opinion, be sufficient.

11437. Would one constable be sufficient to take the place of a magistrate?—If he was not present, then a constable, in my opinion, would do. I have heard that also argued legally; I believe it could be supported. I think a policeman would be sufficient in the absence of a magistrate to act with the troops.

11438. You spoke of voters being escorted very long distances in the county of Tipperary, was that long before the polling day?—On the morning.

11439. So that in Tipperary, upon the morning of the polling day, they considered that they could escort voters a distance of 20 miles?—Yes, I believe it was 20 miles.

11440. In the county of Sligo did you consider it necessary to send out troops to escort voters eight miles on the Friday before the polling day, the polling day being Monday?—If you will permit me, as I said before, the circumstances are not the same, they were entirely different. In the North Riding of Tipperary, the last time I was there, the contest was exceedingly violent, but there was no ill feeling; there was not the same amount of excitement prevailing at all as there was in Sligo; the cases were not the same, there was no disturbance whatever of the peace up to 12 hours prior to the polling; there was great and serious disturbances of the peace in the county of Sligo for three or four weeks previous to the polling; that makes all the difference, I think.

11441. The noble Chirman read to you the letter upon which you took the escort to Tubbercurry, on the 26th of November, from Mr. Townsend, in which he says, "I beg to inform you that about 20 of Colonel Cooper's voters arrived in this town on last night previous to starting for Chaffpool;" is not Chaffpool the residence of a Conservative landlord in that county?—It is the residence of Captain Armstrong.

11442. It is not a town, it is a landlord's residence?—I believe so; I do not know whether it is a town.

11443. Are you not aware that voters were taken to the houses of Conservative proprietors, and locked up in their yards?—I am not aware of anything of the sort.

11444. What do you understand by this letter in which Mr. Townsend asks for assistance, and states that the "Voters arrived in this town on last night, previous to starting for Chaffpool;" why should voters be starting for Chaffpool?—I do not know; I consider that no man ought to be stopped if he wanted to go to Chaffpool, or to go anywhere else.

11445. You consider, do you, that it was the duty of the police to protect those 20 voters in going to this landlord's house to be kept there till the polling day?—No, I do not say that; I say that it is the duty of the police to protect people who are in danger of being attacked if they apply for it, and ask for protection.

11446. But only upon their personal application?—Certainly; I do not think they are to do it unless a riot is going on.

11447. Were you personally applied to in any of those cases by the voters themselves for this protection?—I was not, except in one case.

11448. You were applied to, upon one occasion, by an individual for protection, and you refused it?—He was not a freeholder.

11449. But I understand that that protection

Major *J. W. Percy.*

2 July 1869.

is not afforded to them as voters, but as citizens?—I did not grant the escort, because I was told the man was not a freeholder, and if he was not a freeholder, I did not consider he was in danger, that was all.

11450. *Chairman.*] Should you give an escort to any individual who asked for it any time?—No, certainly not.

11451. Should you give an escort to anybody, except at election times?—No, I never would.

11152. But at election times, you do not consider a sworn information requisite before granting an escort?—Where there are a great many electors or freeholders, 50 or 60, or any number to be brought in, there is a meeting of the magistrates, as I have said before, with the high sheriff, or some civil functionary, in the chair, arranging the details for bringing people in for the election.

11453. In this case, of the county of Sligo election, I think you said there was no meeting of magistrates?—There was; Mr. Hamilton and others met; there was Captain Gethin there, and he is a local magistrate. Captain Peel was at the same meeting; he came up about the 25th. Captain Peel's name has been used with mine in correspondence with Mr. Hamilton.

11454. You appear to have considered that a representation from the election agent or the agent of some county gentleman was a sufficient ground for you to furnish an escort to go to a certain place and bring those voters who were expected to vote?—I did it because I had seen it so done elsewhere.

11455. But under no other circumstances would you give an escort to take a body of persons from one point to another?—No, I would not; because I consider that I was sent down for the purpose of taking that business up, and carrying on the business of the election in the most practicable and quiet manner.

11456. Do not you think it desirable that some more formal proceedings should be instituted before troops are sent to escort voters in this way?—It is always ascertained on the spot; it is the local circumstances that must govern these things.

11457. Although, so far as you or the persons with whom you were acting were concerned, there may have been no ground for the imputations which have been read to you which were made by Mr. McDermot, do not you think the fact of sending escorts here and there about the country merely for the purpose of escorting Conservative voters might very reasonably have given rise to the impression which Mr. McDermot says did exist?—I do not think that it could or did.

11458. Do you believe that any number of people thought that the escorts were employed for anything but for the purposes of protection?—I am satisfied that they did not think anything otherwise.

11459. And do you think that any change in the system is required?—It is a difficult question the management of elections; it is the most difficult one that could possibly be asked to give an opinion upon, and I have always the greatest difficulty when I think about it.

11460. *The O'Conor Don.*] This meeting at which you met magistrates was not a meeting of magistrates; was it not a meeting of election agents and land agents to bring in voters?—There were, I think, two or three magistrates; I cannot remember their names.

11461. There might have been magistrates there, but it was not a meeting of magistrates; it was a meeting of the election agents of the Conservative candidates, some of them happening to be magistrates; was that not the case?—No; I think it was the intention to depute Mr. Duke to act with the troops.

11462. Was this meeting a general meeting of the magistrates of the county, or was it a meeting of the supporters of the Conservative candidates with their agents, some of them happening to be magistrates?—The Conservative candidates were not there; there were two or three agents there, I believe, Mr. Hamilton and Mr. Swansey, but the candidates themselves were not there.

11463. The conducting agents of the candidates who were not magistrates formed a portion of that meeting?—Yes.

11464. The meeting was not a meeting of the magistrates of the county to suggest what measures should be taken for the peace of the county?—It was practically, because that was the very object of the arrangement to meet on Thursday to settle about those escorts.

11465. The object of the meeting was to settle about the escorts for bringing in all the voters?—Yes.

11466. And it was a meeting composed of the election agents and the land agents of the Conservative party in the county; are you aware whether any representative of the Liberal side was at that meeting?—I do not think there was.

11467. Was any Liberal magistrate asked to come to that meeting?—I do not know; there would be but one or two magistrates in the place.

11468. Sir *George Grey.*] How was the meeting convened, was it by public notice?—No, it was convened in the town, it was a small place, and everybody knew it.

11469. *The O'Conor Don.*] Was it the committee-room of the Conservative candidates?—No, it was in Morrison's Hotel,

11470. Was not that hotel engaged by the Conservative candidates as a committee-room, and did not the Conservative candidates hold their election meetings at that hotel in Ballymote?—No, they did not, at least I think not. I know that the soldiers were all there, and I do not know where they could have held any election meeting, for we had 16 or 17 officers in the house.

11471. Mr. *Leatham.*] You spoke about some meeting of the Conservatives; was that the meeting that we are speaking of now?—Yes. I think there was only one meeting, as well as I remember.

11472. You called it, I think, in the course of your evidence, a meeting of the Conservatives?—Yes, and I say so still; I believe there were no Liberal representatives there.

11473. It was not a meeting of the magistrates, but merely a meeting of the supporters of the Conservative candidates?—I did not notice that there was any Liberal representative present.

11474. Sir *Frederick Heygate.*] Were a great number of those who were there magistrates?—I think Captain Armstrong was there.

11475. Is he a resident magistrate?—No; a county magistrate.

11476. Were the greater portion of the others that

Major *J. W. Percy.*

2 July 1869.

that were there magistrates?—We had a plenty of them; Mr. Swansey, Mr. Hamilton, and Captain Armstrong.

11477. In granting those escorts upon the representation of these gentlemen, you did not grant them because they happened to be agents, but because they happened to be trustworthy witnesses, I suppose, of the state of affairs in the district?—Yes.

11478. And therefore the best evidence you could get of the necessity for escorts?—Yes.

11479. And occasionally you granted them?—Yes.

11480. Not in any way to influence the election?—Certainly not; so far as my opinion, of course, was concerned about the matter.

11481. You would be responsible to the Government if you took any step of that kind?—Yes, personally I should consider myself so.

11482. But you would really be so?—Yes.

11483. Do you report from time to time all that you did to the Government?—Yes.

11484. How often, and to whom, does the resident magistrate report?—To the Chief Secretary.

11485. How often do you report?—When there is anything to report, if necessary, daily. I did not consider that there was any necessity to report daily. Those outrages were reported by me, and that night canvassing was reported by me.

11486. Did you send to the Chief Secretary a report of the conduct of the election as far as you had anything to do with it?—Yes, afterwards; I said that it was all peaceably conducted, and there were no breaches of the peace of any kind complained of; the troops had returned to their stations, and the whole district was quiet.

11487. Did you recapitulate to him what number of troops you had employed or called out?—I sent him up a statement at that time.

11488. In fact, the Chief Secretary knows from time to time, and at short intervals, exactly what you are doing?—Yes, exactly.

11489. And what every other resident magistrate in the county is doing?—Yes.

Tuesday, 6th July 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	Mr. Howes.
Mr. Brand.	Mr. Hunt.
Mr. Bright.	Mr. Leatham.
Mr. Edward Egerton.	Mr. Locke.
Sir George Grey.	The O'Conor Don.
Mr. Gathorne Hardy.	Mr. William Henry Smith.
The Marquis of Hartington.	Mr. Villiers.
Sir Frederick Heygate.	Mr. Whitbread.

THE RIGHT HONOURABLE THE MARQUIS OF HARTINGTON, IN THE CHAIR.

The Right Reverend GEORGE BUTLER, D.D., called in; and Examined.

Right Rev. *G. Butler*, D.D.

6 July 1869.

11490. *The O'Conor Don.*] YOU are the Roman Catholic Bishop of Limerick, are you not?—Yes.

11491. Have you read the evidence given by Mr. Spaight before this Committee?—Yes.

11492. I believe you communicated with the Chairman of this Committee in reference to some statements made with regard to yourself in that evidence?—Yes.

11493. At Question No. 6896, Mr. Spaight is asked, "At the last election did the Roman Catholic Bishop of Limerick take any active part in the election?" his reply is, "Yes; he took a very active part in going about, particularly in the latter part of the day; his carriage was continually moving about the streets, and he went to the different polling-places in the course of the day; I do not know whether he went to all of them;" is that correct as regards your action in respect of that election?—That is totally untrue, from beginning to end.

11494. Will you describe to the Committee what share you actually took in that election; I believe it was a very unexpected one, was it not?—The contest was a very unexpected one; the election took place upon Thursday, and it was only on the Monday previous that any notice was given of a contest; by the election day I mean the polling day; Thursday was the polling day, and there was no notice of a contest until the Monday previous; upon that Monday previous, in the morning, I left Limerick, and I was absent from home, and far away from that moment until the night before the polling; in the meantime I had no communication, by letter or otherwise, with any person in Limerick; I arrived at home on the night before the polling; on the morning following, shortly after nine o'clock, Mr. Russell, one of the Liberal candidates, called upon me with his conducting agent, Mr. Joseph Murphy, and took me in his carriage to the polling-booth of my ward; that polling-booth was stationed on the outskirts of the city, in the direction of my residence.

11495. Do you live outside the city?—Yes, I live about a mile outside the city; the polling-booth of the ward in which I live, and where I had to record my vote, was on the outskirts of the city, in the direction of my house, so that in order to go to the polling-place I had not to pass at all through the city; I went in Mr. Russell's carriage, and entered the polling-booth; I stayed about five minutes, or, perhaps, seven minutes altogether, in the booth, during which I was simply waiting for my turn, as there were some people voting before me; the moment my turn came, I recorded my vote, and instantly left the polling-booth, walked straight home, and did not leave my house for the rest of that day.

11496. You did not visit any other polling-places?—No, I did not go into the city at all.

11497. Is it true that your carriage was going about through the city during that day?—My carriage never left my coach-house that day, and was not in the town at all.

11498. Is not your carriage one that is very well known in Limerick, so that it could not be mistaken for any other?—I do not think it likely that any person who lives in Limerick could mistake my carriage for another. It is remarkable, on account of the episcopal livery, and the episcopal arms, and it is known by everybody. I do not think it could be mistaken for another carriage.

11499. It was stated before this Committee, but denied by Mr. Spaight, that the Conservatives of Limerick, supported Mr. Pigott at the election. Mr. Pigott was considered the Fenian candidate, was he not?—Yes; his candidature was put forward for the purpose of catching the Fenian vote in Limerick, and employing the Fenian power in the Conservative interest.

11500. How far is it correct that the Conservatives did not support Mr. Pigott?—Mr. Pigott was supported very much by the Conservatives. I should say that at least one-third of those who voted for Mr. Pigott were Conservatives, and some of them very prominent members of that party.

11501. Sir *George Grey.*] Do you know how many Conservatives voted for Mr. Pigott?—I think about 60 Conservatives voted for Mr. Pigott, and I think the total number of votes recorded for him was about 170.

11502. Mr. *Hunt.*] Do you know what the Conservative strength in the constituency is?—I do not know what the Conservative strength is, nor

nor I do know how many Conservatives voted altogether on that occasion.

11503. *The O'Conor Don.*] Mr. Spaight has also described that the elections on previous occasions in Limerick were very violent, and in particular the election in 1865, and amongst other acts of violence, he stated at Question 7055, "My house, on Sunday evening, in 1865, was wrecked in the presence of a squadron of Lancers, and absolutely the stones came over their lances." Are you in a position to state whether that is correct or not?—I was not present on the occasion to which Mr. Spaight alludes, that is to say, I was not at his house, or in view of his house, when that occurred; but it so happens that within the last 10 days, I have had a conversation with the stipendiary magistrate, who was in charge of the squadron of Lancers that was guarding Mr. Spaight's house, and he said to me that he read Mr. Spaight's statement before this Committee with amazement; that it was totally and entirely without foundation, and that if he were summoned before this Committee, he would state that from the time the Lancers appeared, until they left, there was not a single stone at all thrown at Mr. Spaight's house. The resident magistrate to whom I allude is Mr. De Gernon, who is now stationed at Rathkeale, in the county of Limerick.

11504. Upon that occasion, I believe, some damage was done to Mr. Spaight's house?—Yes.

11505. In Question 7059, Mr. Spaight gives us an explanation of the word "wrecked:" "The meaning of the word 'wrecked' is, that not a whole pane of glass is left, and that every room in the house was filled with stones of all dimensions, and the furniture and everything broken;" did not Mr. Spaight put in a claim for compensation for damages done to his house after that election?—Yes, he did. No doubt, unfortunately, there was some damage done to Mr. Spaight's house, which everybody regretted; but, at the same time, the statement that he made about it to the Committee was entirely exaggerated. He brought a claim before the grand jury of the city of Limerick for the damage done, and he claimed compensation for the smallest things, things that were not above 2 *s.* or 3 *s.*, and the whole bill, I think, amounted to 12 *l.* It is hard to believe that all his furniture and all the windows in his house were only worth 12 *l.*, it is rather a strong statement.

11506. I believe that mobs are at times in the streets at elections in Limerick?—Yes.

11507. At the last election there were rival mobs, were there not?—Yes; I saw myself one mob in Limerick on the occasion of that election.

11508. What day was that?—That was on the Monday morning which I spoke of. The first notice that was given of the contest in Limerick was the appearance of a very large mob in the streets, who came out in the interest of Mr. Tait and Mr. Pigott.

11509. Are you not aware that it was sworn before the judge at the trial of the election petition that several magistrates and supporters of Messrs. Russell and Gavin were afraid to go out to canvass in consequence of that mob?—Yes; I was present at the trying of the petition, and I heard several gentlemen of the city, and some of them magistrates, swear before the judge that they were afraid to go out in the streets to canvass for the Liberal candidates; that they were afraid of the mob that was parading the streets at the time in the interest of the Tory candidates.

11510. Were not some of the priests requested to assist in collecting a body of people in order to support the Liberal candidate at the hustings on the nomination day?—Yes. I became aware for the first time when the petition was tried, that one or two priests had given active help in collecting together a body of people to sustain and protect the candidates and their friends on the day of nomination. The magistrates were afraid to go into the streets lest they should be molested by the mob that was gathered there, and they requested the priests to try and get some people together, who would walk with them through the streets and protect them. I think it was proved on the petition that two clergymen did interest themselves in the matter, and that a large number of people were got together to accompany the candidates and their friends to the hustings, and to give the prestige of popularity to the Liberal cause.

11511. When the priests assist in collecting the people in that way to accompany the candidates, do they not sometimes order refreshments for those persons whom they ask to accompany the candidates?—I do not know that they order refreshments exactly, but I think that they are sometimes anxious that the persons should get refreshments. When a number of people collect together for the purpose of accompanying a canvassing party, and they are on foot all the day, a great many come to the clergyman who perhaps asked them to join the canvassing party, and request him to procure some refreshments for them; and in such cases the priest would be generally anxious that the people should not be disappointed, and would recommend that refreshments should be given; but I am quite sure that upon any occasion of that sort, wherever a priest is concerned, he takes the best precautions he can that there shall be no abuse, and he charges the persons concerned in giving the refreshments, not to give anybody too much.

11512. You do not think that the priests generally furnish the men with drink?—I should think that is a thing which never happens. I do not believe that the priests are ever the immediate dispensers of drink. They sometimes recommend refreshments to be given, as I said before; and I quite admit that on these occasions some few may drink to access, because in spite of any vigilance that may be employed abuses will occur; but to say that the clergy desired this, or intended it, or did not take the best precautions they could against it, would be simply a calumny totally destitute of foundation.

11513. Were there any complaints made to you of the conduct of any of the clergymen in your diocese, with regard to that election?—No.

11514. And all you know about the conduct of any of the priests, was that which appeared in the public papers which everyone else in the city might be aware of?—In fact nothing more, because I was absent from the city myself. I merely saw what was in the papers, and I heard what was proved on the petition; but there was no complaint brought before me on the subject, as the ecclesiastical superior of the clergy.

11515. The priests, I suppose, do interfere in elections in Limerick and in other parts of Ireland?—Yes, very actively indeed, especially where there is a principle at stake, or where

Right Rev. *G. Butler*, D.D.

6 July 1869.

some great issue is put before the constituencies, such as upon the last occasion, for example, when Parliament was dissolved for the purpose expressly of ascertaining whether the people of the country wished for Protestant ascendancy or for religious equality. The priests considered that a supreme moment had then arrived, when, if ever, they were called upon to interfere and give their best help to the people by rousing them and guiding them, and urging them on to give effect to what they knew to be the people's real feelings and convictions on that subject.

11516. And their interference is generally used, is it not, to make the people act independently of coercion or bribery, or any other improper influence?—I should think that the action of the priests is directed entirely to that. I never knew an instance of a priest asking or suggesting to anyone to vote against his honest convictions. Their whole action lies in the line of urging and encouraging the people to act up to their convictions. They know what the people feel, and what their principles are upon those great questions, and they always inculcate the doctrine that the elective franchise is a trust held and to be exercised for the public good; not a merchandise to be trafficked in for personal gain or private advantage.

11517. If the priests' influence were withdrawn would not the people be afraid to act singly against the many influences that are brought to bear against them; and what do you think would be the result if the priests' influence were withdrawn altogether from politics?—I should think that the influence upon the priests themselves would be very salutary. The priests would be most happy to retire from politics, if they could conscientiously do so. They find that the scenes into which they are led, and the distraction and turmoil in which they are obliged to live during a contested election in which they take part, are wholly unsuited to their vocation, and to their sacred duties, and it is always with reluctance, and under a painful sense of duty that they consent to be mixed up at all with these contests. But another question would be, what effect it would have upon the general interests of the country, and upon the public good, if the priests were to retire from politics? I should say that in the present posture of our affairs it would have a very bad effect, indeed.

11518. In what way would it have a bad effect; would the people give themselves up to Fenianism and to revolutionary projects?—I think that great numbers of the people, whose hopes for their country are set on revolution would take that line, and follow whatever leader had the boldest and most violent counsels to put before them.

11519. Do you think that they would be afraid singly to act upon their convictions with regard to elections, when there would be no one to guide them; that they would be afraid to act, and that they would give up acting altogether at the Parliamentary elections?—Yes; I think that whenever landlord intimidation was brought to bear, the people would be afraid singly to oppose their landlords: whereas if there were anyone of intelligence and influence, in whom they had confidence, such as the priest, to organise and direct them, and bring them to move together in a body, they would take courage to act on their principles and convictions against the landlord; for they would know that he could not punish them all, and they would expect that, in such a case, he might not punish anyone. But I am bound to add in reply to the question, that one of the chief difficulties encountered by the priests and others who take a lead in politics, has been, for the last few years, not so much to induce the people to move in the right direction, as to induce them to move at all, or take any interest in Parliamentary representation. The people have been getting into a sort of despair of any good coming from legislation by the Imperial Parliament; and they have been taught and led to look rather to Washington than to Westminster for redress of the grievances of their country. In fact, when a petition to Parliament was proposed to the people, the clergy very often found it difficult to induce them to sign the petition; not that they did not feel the grievance complained of, and desire the redress prayed for in the petition; but that they regarded all petitions as useless, or, worse than useless, as mere shams; and it is only very lately, since the legislation which is now in progress began, and which really took the people by surprise, when the first attempt was made to establish religious equality, and to dry up that sore of Protestant ascendancy, that was irritating and disfiguring, and degrading the country; it is only since then that they have begun to have any hopes that remedial measures may yet come to them from England.

11520. You think that the influence of the priests has been directed to induce the people to try to have their views carried out through constitutional means? — Certainly.

11521. Would you approve of taking the vote by ballot at Parliamentary elections?—Yes, I should indeed approve greatly of it.

11522. Do you think that it would do away with bribery and intimidation?—I think it would do away almost entirely with bribery, and I think it would do away altogether with intimidation.

11523. *Chairman.*] What do you mean by intimidation?—By intimidation, I mean undue fear or terror, brought to bear upon the voter, either by mobs or by landlords; I think that both the one and the other would be almost entirely done away with by the ballot; because I take for granted that there would be no means of ascertaining for whom the voter recorded his vote, and therefore there would be nothing for the mob to act upon, or for the landlord to act upon, after the vote was given.

11524. *The O'Conor Don.*] Is there any other advantage that you would see in the establishment of the ballot?—I should expect that if the ballot were established the clergy would be able to withdraw very much from politics. The people would be then left to themselves, and I think that the people might be depended upon to vote according to their conscientious convictions when there was no restraint put upon them on either side.

11525. If the ballot were established, do you think that the priests would find out how the members of their congregations voted?—I do not think that a priest would have any means of finding it out, except the means that any gentleman here would have of finding out how his neighbour voted.

11526. If a man voted against the views taken by the priest do you think that he would tell him afterwards that he had voted that way contrary to the view which he knew the priest entertained?

tertained?—I do not think it at all likely that he would; I do not see why he should tell him.

11527. It has been suggested to the Committee that, in the confessional, the priest would have the means of discovering how a man had voted; could a priest make use of the the confessional for this purpose?—The only possible way in which the question of voting could come before the priest in the confessional would be if the person who voted believed that he had offended God by the manner in which he had voted, and if he accused himself of that as a sin in confession.

11528. Sir *George Grey.*] Suppose he promised to vote for one person and voted for another, would the breach of his promise be an offence which he would be bound to confess?—Yes, he would do so in any case connected with his vote where he thought he had committed sin and had offended God, whether it was by breaking his promise, or by voting from corrupt motives, or taking a bribe, or in any other way acting against his conscience. Suppose, for example, that the question was brought before the constituency, whether it should be declared a felony punishable by death to say mass in Ireland, and suppose a Catholic voted to the effect that it should be declared a felony, I take for granted that he would at once think that he had offended God by that vote, and when he went to confession, he would accuse himself of it as a sin that he had committed against God, just as if he had robbed a man, or killed a man, or committed any other crime.

11529. *The O'Conor Don.*] Supposing a man in confession did state to the clergyman to whom he went to confess, that he had voted in a particular way for the reasons you have given, could that clergyman make any use whatsoever of that knowledge?—None whatever, directly or indirectly. One of the most sacred and stringent obligations under which a priest is placed on this earth is the obligation of absolute and entire secresy with regard to anything that is revealed to him in confession touching a penitent's sins.

11530. Mr. *Hunt.*] Could he impose penances upon him for that sin?—He not only could, but he is obliged to do it; it is a part of his duty. Penance or satisfaction is a part of the sacrament, and the priest is therefore obliged to impose a penance whenever he gives absolution; but as regards the obligation of total and entire secresy with respect to the subject-matter of confession, I wish to add that the obligation is imposed upon the priest, not only by the natural and divine law, and by the ecclesiastical law, under its most terrible sanctions; but it is furthermore enforced upon him by his sense of his own interests, or by the law of self-preservation; for if it were ever discovered that a priest had in the slightest way, directly or indirectly, interfered with the seal of confession, he would not only be instantly and for ever set aside by his ecclesiastical superiors, but he would be cast out forthwith by the people themselves. Nobody would ever again approach him or even look at him, unless with horror. He would be regarded as one who had committed the blackest and most hideous crime; a crime, however, let me add, of the commission of which by a priest there is no record in the history of the Church. I may illustrate the nature of the secresy which guards the confessional by a case which is commonly made in theology. Suppose a priest's servant confesses to the priest himself that he has been systematically robbing the priest for a certain length of time, by taking money out of the priest's desk which was always left open under his hand; the priest cannot lock his desk; he cannot turn away the servant; he cannot watch him, he cannot do anything whatever that he would not have done if he had not heard of it at all; and if he were to do so, he would violate his duty in a most essential point.

11531. *The O'Conor Don.*] With regard to the question asked you by the Right honourable Member, as to the priest imposing penance, what sort penances are usually imposed in the confessional?—The penances usually imposed in the confessional vary, but they are very slight; the penance imposed is a part of the sacrament; in order to complete the sacrament of penance there must be some penance imposed. But the priest seldom imposes the amount of penance that he thinks the penitent ought to perform. He leaves that a great deal to the penitent himself; and, generally speaking, it is only to read some prayers, which perhaps will occupy him a quarter of an hour, or to hear mass for a few mornings, or to give some small alms, or to perform some other works of piety or charity, which come easy to the penitent.

11532. You do not think that any person could be at all influenced under the ballot as to the way that he should vote, by the fear of penance imposed upon him in the confessional?—Never; it often happens that the penitent is rather anxious that the priest should give him more penance than he does give.

11533. It is generally the performance of some religious duty, is it not, attending some religious service, or saying some prayers?—Yes.

11534. I understand you to state that the confessional could in no way aid the priest in obtaining a knowledge as to how a man voted, which knowledge could be used publicly afterwards?—Decidedly not; he cannot use the knowledge obtained in the confessional, either publicly or privately.

11535. To turn to another subject: you are aware that the military and the police are sometimes used at Irish elections in collecting and escorting voters?—Yes, that is quite customary.

11536. Can you state whether the impression has been general amongst the people, that they are used on those occasions to coerce them?—There is a very strong impression, I know, upon the minds of the Liberal party, that when the Tory Administration is in power, the military are sometimes used to carry out their political views. I do not mean to say that that is a correct impression, neither am I able to say much about it, of my own knowledge.

11537. But can you state, from your own knowledge, that the impression among the people is that the military and the police are used, not to protect them, but to coerce them?—That impression I know does prevail; but I am not prepared to give any facts as within my own knowledge.

11538. Sir *George Grey.*] In what way do the people apprehend that the coercion of troops that are sent to be present at an election, will be brought to bear upon them?—They apprehend, I think, that demonstrations in favour of the Liberal candidates in the streets will be put down, and that demonstrations in favour of the Tory candidates will not be put down, and in the

Right Rev. *G. Butler*, D.D.

6 July 1869.

case of any mêlée, or any affray, that the military power will be brought to bear rather upon the people who are supporting the Liberal candidate than upon those who support the other. I merely state that that is the impression of the people. I do not state that as my own impression.

11539. Mr. *Bright.*] With regard to the confessional and the vote, it has been suspected by many persons that, under the ballot, the priest being a strong partisan, as he may be on some occasions, would greatly influence the voter, and that the ballot would be no security to him; that although it might secure him from the landlord, it could not secure him from the priest, because the priest has a power over him which the landlord has not, through his priestly character through the confessional; can you give the Committee any information upon that point?—I do not see how it is possible that the confessional can be brought to bear at all upon a voter, except in the one case that I mentioned; that is the case where the man who voted believed that he committed a sin against God by his vote, and on going to confession accused himself of that sin as he would of any other; but then I say, that with regard to that knowledge which is communicated to the priest in that case, he can make no use whatever of it directly or indirectly.

11540. Some persons assume that the priest in the confessional charges the penitent with certain things that the priest may have known; for example, that he had voted contrary to the party of the priest, and he says, "You did so-and-so, which was very wrong, and if you persist in that course, I shall deny you the privileges of the Church;" is it conceivable or possible that influence of that kind directly from the priest, and not from the penitent, should be made use of under the ballot?—It is not at all conceivable that such a thing could happen; first of all, the person that voted need not go to confession at all if he likes; persons are bound to go to confession once a year by the law of the Church, but he need not go to confession for months after the election; moreover, he need not go to any priest in that place, but may select a confessor totally unconnected with the locality; and in any case, the priest is never allowed to ask a question about anything except what concerns a man's sins; and it is only in exceedingly rare cases that it could be supposed that a man committed a grievous sin by his vote.

11541. Sir *George Grey.*] Take the case where a priest takes an active political part in elections as you have stated; he canvasses the members of his congregation, they promise him to vote for a particular candidate, and they break that promise, voting by ballot; has not the priest then the power in the confessional of ascertaining that they had so broken their promise, because, according to your previous statement, they think it a sin which they would be bound to confess?—Then the priest knows the thing if they confess it, but he knows it under the seal of confession.

11542. Mr. *Bright.*] If the man did not confess, it would be a thing punishable in your church that the priest should charge him with something that he knew that he had done; it means voting in a certain way, although the penitent himself made no confession of it, and did not deem it to be a sin?—The only case in which that could occur would be where the thing in question was so plainly and manifestly a sin that there could be no doubt or controversy about it. Suppose, for example, that a priest saw a person drunk, and that person came to confession a short time after, and did not accuse himself of drunkenness. Now it is known to all Catholics that drunkenness is a grievous sin; the priest therefore being aware that the penitent had committed this sin, and finding that he was not accusing himself of it, would call it to his recollection, with the view of helping him to make a good confession.

11543. But an interference by the priest in the confessional with a man's general freedom of voting would be considered contrary to his duty, would it not?—It is a preposterous idea. No priest would think of such a thing, and no penitent would allow it.

11544. Would such a thing be likely to cause him to lose the confidence of his parishioners?—Decidedly it would. If the parishioners thought that he was using the confessional for the purpose of carrying out his own political views nobody would ever confess to him at all. It would be instantly reported to the bishop, and he would be set aside at once.

11545. Mr. *Villiers.*] I think it is assumed that the priest is a strong partisan?—Yes, that seems assumed.

11546. Is it that which has led people to suppose that he would be curious to know how his flock had voted, and that, under those circumstances, he would seek to obtain the information?—Do you mean desirous of knowing it through mere curiosity, without intending to make any use of it.

11547. But, where there are many partisans in the flock, if they suspected that a certain number of people had voted wrong, would not the priest be upheld in seeking to discover it?—I do not understand with what view he would seek to discover it

11548. With a view to ascertain whether a man voted as he ought to have voted?—But what would be the object of the priest ascertaining it when he cannot make any possible use of it for the rest of his life, when it should lie hidden in his own breast and locked up there for ever. As to the priest asking the question from mere curiosity to know whether something had occurred that had not reference to the sins of the penitent, it would be violating his duty in the most signal manner, and the penitent would not, and ought not, answer him at all if he asked impertinent questions of that kind.

11549. But there may be reason to suppose that a man has voted contrary to his promise, and he makes no mention of it when he comes to confession, like the case which you mentioned, where a man has happened to be drunk, and makes no allusion to it upon the same occasion, would not you consider yourself bound to lead him to make a confession with respect to his vote, in the same way as you do with respect to drunkenness?—If I thought that his duty, with reference to voting, was so clear that it was an evident and manifest sin to have voted in one particular way, and if I thought that he was simply forgetting that he had done so, I might ask him the question, just as I would about the case of drunkenness. But, of course, if it came out upon that question that he had voted in a way that was sinful, the knowledge that he had so voted would be perfectly useless to me. I could never make the slightest use of it.

11550. I think I understand you, that you could

could make no use of the discovery of any sin or crime by confession; but you may withhold an advantage, may you not, inasmuch as they come to confession, not for the sake of the penance, but for the sake of absolution?—To be sure they come to confession mainly for the sake of absolution.

11551. Might not those people be afraid of not receiving absolution?—Not at all; because the condition of that absolution is simply that a person confesses his sin, and is sincerely sorry for it, and firmly resolved not to commit sin again; those are the conditions for absolution.

11552. What you have said lately does not quite seem to consist with what it collected from your evidence before; you said that if the ballot was to be the mode of voting, the priest would withdraw from any interference in elections; do you think that they would do so or not?—I think that if the ballot were established, the priest would be able to withdraw, to a great extent; at all events I think he would not come into the turmoil of contested elections, as he is obliged to do now very often.

11553. You think that the ballot would protect voters against other influences, and that there would be no occasion for the priest then to interfere?—I think so; I think the priests interfere generally for the purpose of meeting the pressure that is brought to bear upon the voter from other quarters, by his landlord for instance, or by persons tempting him with bribes, or other advantages. The priest, as I said before, inculcates the doctrine that the voter holds his vote as a trust for the public good; that he cannot therefore sell it, or barter it away for private advantage. He further teaches that the landlord has no right to control the vote of his tenant; that he is entitled simply to his rent; and that when he seeks to force the tenant to vote against his convictions and his conscience, such as forcing Catholics to vote for Protestant ascendancy, he is exercising over the tenant a debasing and intolerable tyranny to which no one should submit.

11554. Do you believe from what you know of the Irish people that they would maintain secrecy with respect to their vote; would they not communicate, either in a drunken moment or to some members of their family, the way in which they voted, and would not it then be known both to the landlord and the priest?—I do not think it at all likely that they would act so foolishly; I think the people of the country are very well able to keep their secrets when it is important to themselves that they should be kept; I cannot say whether they might tell their own families; they might do that or they might not, but if they did so, their families would take care to keep the thing concealed if they thought that the publication of it would injure the voter.

11555. Upon the whole, you think it would be an unqualified advantage to establish the ballot with regard to public elections?—I think it would. It is the only remedy that I can see, if the ballot were so established that it would be a perfect impossibility to find out how a man voted, unless he were fool enough to tell it himself. I think it would remedy a great many of the evils which are attendant at present upon elections in Ireland.

11556. I suppose the influences of various kinds that are used upon voters in Ireland now actually makes the franchise no advantage, but rather a curse to them?—I think in a great many cases it is an absolute misfortune to a man to have a vote. He is required by his conscience to vote in one way, and he is required by his landlord to vote in another way. If he votes according to his conscience he is perhaps evicted, or some very heavy evil is entailed upon him; and thus it becomes quite a misfortune to him that he has a vote at all.

11557. Mr. *Hunt.*] How long have you been Bishop of Limerick?—I was consecrated bishop in the year 1861.

11558. The part of Mr. Spaight's evidence which you wish to contradict was that contained in this sentence in reply to Question 6896. He is asked, "At the last election did the Roman Catholic bishops take any active part in the election? *A.* Yes, he took a very active part in going about, particularly in the latter part of the day; his carriage was continually moving about the streets, and he went to the different polling places in the course of the day. I do not know whether he went to all of them." That is what you come specially to contradict?—It was to contradict that that I wrote to the Marquis of Hartington, and I was then summoned by the Committee.

11559. The fact is, as you have stated, that you did not go in your carriage to the poll, but you went in Mr. Russell's carriage?—Yes.

11560. Then, did Mr. Russell's carriage bring you home?—No, I walked home. Mr. Russell pressed me to ride home in his carriage, but I declined; I preferred walking.

11561. Are you aware whether Mr. Russell's carriage went to the different polling places in the course of the day?—I am not in the least aware.

11562. Do you think it probable that it did?—I do not know; I do not know where Mr. Russell was during the day, for I never left my house during the day.

11563. I suppose your going in a candidate's carriage with him to the poll may be considered, to a certain extent, as doing what you could to influence the election?—I should think not.

11564. It would be a strong indication, would it not, as to the way in which your feeling went as regards that?—There was no doubt how my feeling went, when the question was as between Protestant ascendancy and religious equality; everybody knew what my feelings should be; but I do not think that 20 people saw me come to the poll in Mr. Russell's carriage; it was very early; it was shortly after the polling booths were opened, and there were but few people about the booth.

11565. *Chairman.*] When you gave your vote, were there many priests in the polling-booth?—I think I saw but one priest there, and that was the parish priest.

11566. I have received a letter in which it was stated, that in the polling-booth there were five or six priests during the whole day; do you believe that to be the fact?—I was only in the polling-booth for between five and seven minutes, and I saw but one priest there during that time, and that was the priest of the parish in which the polling-booth was.

11567. Mr. *Hunt.*] Supposing it is the fact that the carriage in which you went to the poll, went about to the different polling-places, Mr. Spaight's evidence would be literally true, would it not, with this exception, that it was not your carriage,

Right Rev. *G. Butler*, D.D.

6 July 1869.

but the carriage in which you went to the poll, that went about to the different polling places?—No, I do not think that Mr. Spaight's evidence is at all susceptible of that explanation.

11568. Mr. Spaight said that your carriage was moving about the streets, but it appears that he was mistaken in saying that it was your carriage, but at all events you were in Mr. Russell's carriage, and if that same carriage was going about to the different polling places, that would explain Mr. Spaight's evidence, would it not?—But Mr. Spaight did not know that I went in Mr. Russell's carriage at all; as I said just now, I do not think that 20 people saw me come to the poll in Mr. Russell's carriage.

11569. You are not aware what happened with regard to the carriage, but you do not deny that the carriage in which you went to the poll moved about to the different polling places?—I do not deny it, nor do I admit it; I do not know where the carriage went; I never saw the carriage since.

11570. Have you read the whole of Mr. Spaight's evidence?—I think I read the whole of it; at least I read the substance of it.

11571. I wish to call your attention to this part of it in Question 6886, and the following questions, where he says, "Unfortunately the priests have been proved to have been active, not only in the organisation of mobs, but in the distribution of whisky. *Q.* Have you any evidence to show that?—*A.* I have evidence to show that, if it is necessary. There is one thing which I would beg to say to the Chairman, that I have no desire or wish to bring forward the name of any individual priest; it is the system I object to, and, with the permission of the Committee, I would rather not bring forward the name of any particular priest. *Q.* But you have in your possession orders for drink, signed by Roman Catholic priests, to be distributed to the electors at the election?—*A.* I have; and I believe that it would be in accordance with the wishes of the respectable Roman Catholics themselves, if the priests were prevented from holding the position that they generally do in elections. These are the kind of documents that are going (*producing some documents*), and if the Chairman will allow me to read them without the names I would prefer it. The date of the year is not in this document; it is July 13th; it applies to the year 1865; and the circumstances to which this refers are these: 'St. Munchin's, Thursday, p.m. I, on behalf of Messrs. Gavin and Russell, authorise Mr. ——, of Thomondgate, to give drink to the amount of 5 *l.*' That is signed with the name, and afterwards 'C. C.,' which means Catholic curate. *Q.* Have you another of the same kind?—*A.* Yes, I have another in the same handwriting: 'Give So-and-so an order for 5 *l.*'; and then follows the name of the same clergyman. Then there is a memorandum from the person who supplied this drink, giving the particulars of orders to the amount of 15 *l.* for St. Munchin's parish, Thomondgate, Limerick. *Q.* Was it drink that was supplied or refreshment?—*A.* It merely says, 'Election week; first order, 5 *l.*; second order, 5 *l.*; third order, 5 *l.*'" Did it come to your knowledge in the year 1865 that the priests at Limerick gave orders for drink on behalf of the candidates?—No, I never heard of that circumstance till I saw it in that document from which you are reading.

11572. Would the Roman Catholic curates, who signed those orders, be persons under your spiritual authority?—Certainly; every Catholic curate in the diocese is under my authority.

11573. Have you since you have been made acquainted with this evidence, made any inquiry as to those facts?—No, I have not been much in Limerick for the last three weeks.

11574. Should you think it your duty, on your return, to do so?—Very likely I should. I might inquire whether such a thing was done in the year 1865, and ask under what circumstances it was done.

11575. Should you think it your duty, as the ecclesiastical superior of those persons, to administer any rebuke to them for the part which they took in those transactions?—Yes, I should probably think it my duty to say to that clergyman that he ought not to have done it, that it was an imprudent thing.

11576. Beyond being imprudent, should you consider it wrong?—It would entirely depend upon the circumstances into which I should inquire, whether the curate was wrong; because supposing such a case as I mentioned before, of a large canvassing party brought together for the purpose of accompanying the candidates and their friends, and perhaps brought together very much by the influence of the clergyman; at the end of the day, when they were weary of walking about, the clergyman would naturally think that they ought to get some refreshments, and they would probably come to him, to ask him to interfere for them in the matter; I should not think it wrong for the clergyman to permit them to get refreshments, provided always that proper precautions were taken to hinder any abuse on the part of the people.

11577. Supposing that there was no breach of sobriety, you would not think it unbecoming of a clergyman to give an order for 5 *l.*'s worth of drink upon a publican, on behalf of the candidates at an election?—No, I do not think that it would be unbecoming or improper, in such a case as I have just mentioned; it would not be even imprudent, if the clergyman were certain that no sort of abuse would result; but if he were not certain that drunkenness would not result, in even a single case, which I think he could not well be, then I should count it imprudent, lest it might be said that from his act resulted drunkenness, although he had never intended drunkenness, but took every precaution against it.

11578. You used the word imprudent with regard to the risk of drunkenness amongst the voters?—With regard to the risk of something bad occurring on account of drink being given, I think that a priest should have as little as possible to do with it.

11579. You see nothing to reprehend in a priest mixing himself up in an election, so far as to give drink tickets on behalf of a candidate?—I see nothing improper in ordering refreshments by ticket, or otherwise, for those who need them, whether they are rich or poor, provided it is done under proper precaution and restraint.

11580. Or a priest putting himself into the position of being an agent for a candidate for the purpose of supplying drink to the electors?—They never put themselves into the position of agents in that way; the people come to them, as I said before, and they recommend the agents to give refreshments.

11581. I must

11581. I must call your attention to some of the orders for drink: "I, on behalf of Messrs. Gavin and Russell, authorise Mr. [ ] to give drink to the amount of 5 *l.*;" do you consider that the person giving that order is not acting as agent for the candidate?—I think that it looks very like it, but I do not think that the clergyman concerned had any agency, or any special authority whatever to give such an order. By giving the order he made himself responsible to the party who supplied the drink, and liable to be called on for payment of the bill, if it were not met by the candidate or his agents.

11582. But you would not say at once that it must be a wrong thing for a priest to do; you would say that it depends upon circumstances?—I think there may be circumstances in which I should look upon it as an act that was very permissible on the part of the priest; but I say that in general, writing orders of that sort is a thing to be condemned as imprudent and silly on the part of a priest. Indeed I never heard of any priest writing such orders, until I read Mr. Spaight's evidence.

11583. You say that supposing the system of secret voting were introduced, the priest at confession would have no chance of learning how the voter had voted unless the voter made a confession of that act of voting as a sin?—Certainly.

11584. And that if the voter at the confessional made a confession about his vote, it must be because the voter believed that he had offended God?—Certainly.

11585. Do the priests of your religion in Ireland point out to voters that they will offend God if they vote for one candidate rather than another?—I am not aware that priests have done that; I am not aware that there was ever in my time an issue put before the people, where the priest could say that, independently of all the circumstances, a voter would offend God by voting for one candidate rather than another.

11586. Is it the case, that priests have denounced from the altar particular candidates previous to an election?—I am not aware of that. I know that in the diocese over which I preside, there is a very strict law, forbidding a priest to denounce anyone whatever by name.

11587. Independently of your own diocese, are you aware that priests have, from the altar, denounced particular candidates previous to an election?—I am not aware of it of my own knowledge; I have seen it in the papers from time to time, as other people have, but I am not aware of it, and there never was a complaint brought before me of any candidate being denounced from the altar in my diocese.

11588. Sir *George Grey.*] What do you mean by denouncing?—I take denouncing to be speaking contumeliously or injuriously of a person from the altar or the pulpit. I do not know, however, whether this is the meaning attached to it by the Right Honourable Member who has asked me the question.

11589. Mr. *Hunt.*] Is not the term denouncing from the altar, a term very well understood in Ireland?—Yes; it is a term that is used very much, but I think different people attach different meanings to it; something like ultra-montanism, which is a word very much used, and a word to which almost every second man attaches a different meaning, and for which many who use it have no definite meaning at all.

11590. Would devout Roman Catholics in Ireland attend more to what came from a priest at the altar than they would to his words not at the altar?—Yes.

Right Rev. *G. Butler,* D.D.

6 July 1869.

11591. Do you think it legitimate influence on the part of a priest to go to the altar and indicate to voters how they should vote at an election?—I think it is perfectly legitimate for the priests to do so where the duty is clear; for example, when the question put before Catholic voters is, whether they should vote for Protestant ascendency, or for religious equality, when the issue is so clear as that, I think a priest is perfectly justified in stating to the people that their duty then is plain, and that there is but one course for them to follow.

11592. If a priest from the altar indicated the way in which his congregation should vote, would that be intimating to them, by reason of his taking that step at the altar, that they would be offending God if they voted contrary to the way that he indicated?—Not exactly so; it would not indicate or decide anything with respect to individual cases; because in individual cases a great many excusing reasons and causes would come in. Suppose, for example, that a priest told his congregation from the altar or the pulpit, that it was the duty of Catholics to vote against Protestant ascendency; and suppose one of the congregation afterwards voted for Protestant ascendency, it would not follow that such voter had violated his conscience or offended God, for he might have many reasons that would perfectly justify the act to his own mind. Perhaps that voting against Protestant ascendency would bring ruin on his family, and he would not feel himself bound to make so heavy a sacrifice for the public good; or he might conscientiously take a different view of the subject from that taken by the priest.

11593. In fact, the priest going to the altar to make an address to his congregation with regard to an election, would be an indication to them that the priest considered that they would be offending God if they went contrary to the priest's wishes upon the subject, would it not?—No, that is not necessarily so. The priest does not intend on these occasions to teach or decide anything as to what would or would not be a sin in the case. He merely indicates the general duty incumbent on them as Papists or Catholics, and in a case, where by the supposition, the duty is perfectly clear, and then leaves individuals to be guided by their own consciences.

11594. But you have told me a few answers ago that a devout Roman Catholic would attend much more to what a priest said from the altar than to what he said in any other place, but he might address an argument to him with regard to his patriotism from another place, equally well, might he not?—Yes; but when he addresses arguments with regard to the duties of patriotism from the altar, it is always supposed that the religious interests of the people are in some way mixed up with the political question which is in hand.

11595. But the intention of the priests in speaking from the altar is to indicate to their congregations the wishes of God upon the subject, is it not?—It is to indicate to the congregation what the duties of the congregation are in the case; what they ought to do in the circumstances, but it is not, as I said before, to indicate or to decide for any individual, what would or would not offend God in his case.

Right Rev. *G. Butler*, D.D.

6 July 1869.

11596. You mean their duties as religious persons?—Yes, their duties as Catholics; the question being, let us suppose, whether Catholics were to be trodden down for ever, or whether they were to be freed at last.

11597. Supposing that you made a speech from the altar in which you indicated how the congregation ought to vote with reference to their duty to God, should you not think that a devout Catholic, if he voted contrary to the way you had indicated, might suppose that he had offended God by so doing?—I think that would depend entirely upon circumstances. A man might think that he was not bound to make the sacrifice that was demanded of him. The priests very often say to the people that they are bound by their duty to God not to sell their vote, and that if anybody came and offered them a bribe they ought to reject it, no matter how poor they were, and yet it is held by many that it is not necessarily an immoral act to take a bribe, and it is quite conceivable that men should do so in certain cases, without violating conscience.

11598. But supposing a priest had told his congregation that it was their duty to God to support a particular candidate, in that case I presume the voter might think that it was a sin if he voted the other way, and come to the priest to confess?—Very possibly he might; a voter might think that he committed a sin by the way that he voted; a voter might believe that it was his duty to God to give his vote in a certain way, and very often voters do think so.

11599. Mr. *Villiers.*] He does not promise the priest at the time he will vote?—Not at all; the priest simply explains the issue that is put before the people on the occasion; the question he tells them is to be tried at the hustings, and he says it is the duty of every Catholic to vote in a certain way.

11600. Mr. *Hunt.*] Do you think it is a right practice to use the altar for such purposes?—If the question in hand were purely a political question, I should not approve of using the altar or the pulpit for its explanation; although there may be questions in which the material interests of the people are so deeply concerned that it would be well to direct them, and to urge the people to take a proper course: but generally speaking, when political questions are introduced from the altar or the pulpit, they are questions that are partly political and partly religious, affecting the religious interests of the people.

11601. Is it not the case in Ireland that almost all political questions have a religious element in them?—No; for example, take the question of tenant right, which is a question that now occupies deeply the minds of the people. It is not a religious question; it is a question that affects immediately the temporal and material interests of the people.

11602. But wherever there is a religious element in them, you think that course of conduct would be right?—Yes, with regard to the question of religious equality, for example, the issue put before the people at the last election.

11603. You think then that it is perfectly right for a priest to use the altar for the purpose of expressing his political views?—I think it is right for the priest to explain to the people what the issue to be tried at the hustings is, and what the clear duty of Catholics is in trying that issue.

11604. Do you think that devout Catholics have a fear of what may happen to them in the future, if they disregard the injunctions of the priest?—I think they have a very great fear of what may happen to them if they offend God.

11605. But do you think that they take what the priest says as an indication of what God's will is in the matter?—It depends entirely upon circumstances. If the priest undertakes to declare the will of God to the people, they accept his words as indicating the will of God; but the priest would not, and could not, do this in any ordinary case of voting; I never heard a priest, and I am not aware that a priest ever did, invoke the will of God as directing votes in a particular way; the priests simply explain the question at issue, and the duty of the people regarding it, and then, as I said before, they leave each individual to settle the matter with God and with his own conscience.

11606. I wish to call your attention to those words which occur in Judge Keogh's judgment in the Galway election case; it is a quotation which the judge makes use of from Sir Samuel Romilly: "The case to which I refer was a suit in Chancery to set aside a settlement made voluntarily by a widow on a clergyman and his family. It was set aside as obtained by undue influence, and it was set aside on principles of public policy and utility. The words are" (and this is the quotation), "Undue influence will be used if ecclesiastics make use of their power to excite superstitious fears or pious hopes, to inspire, as the object may be best to promote despair or confidence, that is, to inspire despair or confidence in order to obtain their own object, to alarm the conscience by the horrors of eternal misery, or support the drooping spirits by unfolding prospects of eternal happiness, that good or evil which is never to end." Do you agree with the sentiment contained in that quotation?—I cannot exactly answer that question; perhaps you will have the goodness to put the question in some more succinct and definite manner.

11607. Do you consider that for the purpose of influencing a vote an ecclesiastic is justified in exciting the spiritual fears or pious hopes of a member of his congregation?—It would depend, I think, entirely upon what the case in hand was, or whether the person by his vote would really imperil his interests in the other life; if he really would do so by his vote, I do not see that the priest is hindered from explaining that to him.

11608. Do you think that there are circumstances in which a priest would be justified in threatening spiritual terrors to a voter if he did not vote in a particular way?—Certainly; suppose the question was, as I said a while ago, whether the saying of mass should be declared, as it was before declared, to be a felony in Ireland, punishable by banishment and death, and suppose a person came to the priest and said that he was going to vote, that the saying of mass should be so punishable, I consider it quite within the competence and right of the priest to tell him that if he gives that vote he will lose his soul unless he repents of it before he dies, because I take for granted that he commits a mortal sin by giving such a vote; just as a priest would say to a man that if he gets drunk, if he commits robbery, or if he commits murder, he is perilling his eternal salvation.

11609. Then you think that the priest ought to be the judge whether a man is perilling his eternal salvation in voting for a particular candidate,

date, or not?—I think, as I have said over and over again, that it is only in a case where the issue at stake is so plain that nobody can have any doubt whatever about it; where it is plain that it is the man's duty, *sub gravi*, to vote in a certain way.

11610. But if it is so plain that no man could make a mistake, where is the necessity of priestly influence at the altar?—There is a necessity for encouraging men to keep the Ten Commandments.

11611. Do you look upon that in the same light as you would enforcing obedience to the Ten Commandments?—I look upon it in the same light in the case that I refer to; that is the case where it is plainly the duty, *sub gravi peccato*, of the penitent to vote in a particular way, as much as it is his duty to abstain from drunkenness or from murder, or any other crime. But cases of that sort, of course, are extremely rare, and are hardly practical cases in our times.

11612. Mr. *Gathorne Hardy.*] I understand you to be of opinion that at the last general election that point had arisen on the question of religious ascendancy, and therefore you thought it the duty of the priest to tell the people that they would be violating their duty to God if they voted in favour of what is called Protestant ascendancy?—No, I did not say that.

11613. As I understood, you said that when the issue was so entirely clear as it was at the last election, you thought it the duty of the priest to tell the people that they would be violating their duty if they did not vote in a particular way?—Certainly violating their duty as men who held a vote in trust for the public good if they did not vote in a particular way, and it was only circumstances that could excuse a man in giving a wrong vote upon an occasion when the issue was so plain.

11614. In speaking of duty, I presume you mean their duty to God?—I mean their duty as citizens, as people that hold a vote for the public good, and not for themselves.

11615. When you speak of duty, do you mean their duty to God or to man?—I suppose that if a person does not do his duty to man, he does not do his duty to God.

11616. Do you suppose that a devout Roman Catholic, hearing from the altar that statement, that it was his duty, unless he was compelled, or otherwise, to abstain from so voting, would conceive from that priest's language that it was his duty to God to give the vote in the way the priest told him upon that subject?—I suppose that a great many people would think that, and I think that they would think it very properly, when the question at issue was, as I always suppose, perfectly clear.

11617. And assuming, therefore, that there was no extraneous influence, such as, for instance, intimidation, which you say is one element in the excuse, it is a paramount duty, the violation of which they think would expose them to the pain of eternal punishment if they did not repent of it after they had done it?—That depends entirely upon the circumstances of every individual case.

11618. But the circumstances, as I understood you in your former answer, were extraneous circumstances, some pressure or other, but not a question in the conscience of the individual?—Extraneous circumstances affect the conscience of the individual and his duty of action in the case.

11619. You have put a very strong case, the case of saying mass, and I put it to you, according to your own statement, would any Roman Catholic who voted in such a case as that for making the saying of mass a punishable offence be guilty of a mortal sin?—Yes.

11620. Would any Roman Catholic who voted on this question, as you say of Protestant ascendancy, be guilty of a mortal sin in so voting?—I think it quite possible that he might not; I can very easily imagine cases in which a Catholic giving his vote for the maintenance of Protestant ascendency might not be guilty of mortal sin.

11621. Are there no positive circumstances in the other case that you have put which would make the vote not a mortal sin?—I think there may be circumstances imagined, even in the other case which would make the vote not a mortal sin.

11622. Then you would wish to qualify your former answer, that it was absolute destruction to the soul of anybody who had done that in the former case with respect to the mass, unless he repented before his death?—Yes, I think an extreme case might be imagined, when considering on the one hand, the gravity of the evils which will fall upon the man, if he does not vote, and on the other hand the very slight influence which his single vote can have in producing the bad law, he would be justified in voting as you describe, especially if he were allowed to state that voting in that way was not an act of apostacy, a thing which could not be allowed under any circumstances.

11623. In the case of an individual taking a bribe, I presume that that would be in itself a mortal sin?—I do not know that that is so clear. I have found a great many people of the world, lawyers and others, maintaining that it was not a sin.

11624. I am not asking you as a lawyer, I am asking you as a priest and a bishop of the Roman Catholic Church, whether you would consider it a mortal sin for a person to have a bribe, and to have voted against his conviction?—That is a matter which I do not think a priest is more competent to decide than any other gentleman in society, for this reason, that it depends entirely upon the nature of the elective franchise. What is the nature of it? Is it a trust of the public good, or is it a privilege for the individual himself?

11625. You stated that if you had seen a person drunk, and he did not confess it, you would remind him of it. Supposing you knew that a person had been bribed to give his vote, and he did not confess it, should you remind him of it?—For my own part I would remind him of it, because I believe that it is a sin to take a bribe, and I know that Catholics who take bribes generally act against conscience. That is my opinion upon the matter; but my opinion is not decisive upon the subject at all. The penitent in question might take quite a different view of bribery, and he would not be bound in the least to adopt my opinion in a matter where opinions vary, and where the Church has decided nothing about it.

11626. I thought you said that from the altar, it was the duty of the priest to tell the people that to merchandise away their votes, which was a solemn trust committed to them, would be in itself such a sin as was proper to denounce from the altar?—I said that priests

Right Rev. *G. Butler*, D.D.

6 July 1869.

are in the habit of saying to people from the altar, or from the pulpit, that the elective franchise is a trust which they hold for the public good; that is the opinion, I think, generally of the priests; that is the view that they take of the elective franchise, and they are in the habit of saying to the people that it is not a merchandise to be trafficked in, to be bought and sold.

11627. And the reason that they take the altar for laying down a doctrine of that kind is, because it comes with peculiarly authoritative power, and is, in fact, Divine teaching?—Certainly, they would teach as follows: they would say that a man is responsible to God for the way he votes; that he gets his vote for the public good, and that he ought to give it for the public good, or at least, what he himself believes to be the public good; then, if a man gives his vote for what he believes to be a public evil, and does it from corrupt influences, he acts wrongly, and violates his duty.

11628. I will assume that you knew that a Roman Catholic had voted against what you consider to be his duty to God and man; there again would it be the duty of the priest at the confessional to remind him of his having done it?—Not at all, except it was quite plain that the man voted against his convictions and his conscience, because he might take a different view of the public good from what I would.

11629. Taking one of your own cases, in which you say it is absolutely plain, such as the question of the mass, if he had so voted you would call his attention to it, as a crime of which he ought to repent?—Yes, if I knew he did that, and he did not confess it, I should assume that he was forgetting it, and that he would be glad to be reminded of it, and to do penance for it.

11630. Upon a question so clear as you state that of Protestant ascendency to be, would you take the same course?—I should not at all interfere in that case. It would never come into my head to question a penitent about such a vote. If I knew that he had voted wrong, or what I considered wrong, and that he did not confess it, I should take for granted that he saw reasons to justify his vote, and that his conscience was easy about it.

11631. I am assuming that you would not have to ask him the question, but that you knew how he had voted?—A penitent is never questioned in confession about sins which he does not confess, unless the confessor has reason to believe that the penitent has committed those sins, and that he is either forgetting or concealing them in his confession.

11632. I want to know how far you consider it a mortal sin for a man to vote contrary to what the priest has told him to be his duty, and where the priest has from his altar announced that it is the positive duty for every devout Roman Catholic to vote in a particular way, because the thing is so clear, as you say, that it is quite obvious that it would be a sin for him to do otherwise in such a case as that, if he knows that the man has voted contrary to the denunciation; would the priest in confession remind him of it if he did not state it?—It is possible that he might. I do not consider that he would be violating his duty if he did remind him of it, if he asked him a question about a matter which he thought he was forgetting, and which he thought was a very plain thing, and in which he knew the penitent completely agreed with himself as to the obligation, I should think that he would not be violating his duty. But the only object that he could possibly have in asking that question would be the spiritual good of that penitent.

11633. I understand that the whole course of it is with a view to the spiritual good of the penitent; I am not disputing that; but as a matter of duty, in order to deal with the penitent as a penitent, you would, as I understand you, in such a case not consider it a wrong thing to call his attention to it?—No; I should not consider it a wrong thing in a plain case of that kind, and when the priest knew that the penitent took the same view as the priest with regard to the obligation of voting.

11634. And *primâ facie*, therefore, you consider it a sin that he had committed?—The confessor would believe, as I suppose, that the man himself thought that he had committed a sin, and if a man thinks that he commits sinning by an act, he is guilty of sin, whether the act is forbidden or not.

11535. And until some satisfactory explanation was given of such a step, the priest would consider that he had committed a sin?—That is assuming that the priest knew what the man's opinions were about the matter, and that the man himself thought it was a sin.

11636. Then, as I understand you, the duty of Roman Catholics, upon certain points, is so clear that it is not a question of doubt at all?—Some things are very clear; there are many duties about which Catholics have not, and cannot have, the least doubt. I do not know whether any Catholic might think that he could fairly vote for Protestant ascendency. I never met anyone that maintained such an opinion as that it was not a wrong thing for a Catholic to use the elective franchise to maintain Protestant ascendency.

11637. Or, I suppose, for anyone to vote in Parliament in the same way who is a Roman Catholic?—Certainly. I do not conceive it possible that any Roman Catholic in Parliament could vote for Protestant ascendency without violating his duty.

11638. And a thing which he ought to be reminded of at confession?—Upon the principle which I mentioned a while ago; that is, if the confessor knew that the penitent had violated his conscience, and committed sin by recording such a vote; but if the confessor did not know this, he should take for granted that the penitent had sufficient reasons to justify his vote to his own conscience, and he would not, and could not, interfere with him in the matter.

11639. Then I infer that you consider that a priest in the Roman Catholic Church has a duty devolving upon him, not merely as a citizen, but as a priest, to interfere with the conscience of the voters with respect to the mode in which they vote?—He has no right at all to interfere with people's conscience, as far as he is a citizen, nor has he any right to interfere with people's conscience, as far as he is a priest, unless he is placed over them as their pastor, or that they come to him voluntarily, and apply for his ministry, nor has he any right even then, unless in cases where there can be no doubt or controversy as to the sinfulness of the vote.

11640. Mr. *Edward Egerton.*] I think you stated, in one of your earlier answers, that the priests interfere very often at the Limerick elections?—Yes.

11641. Is

11641. Is that interference all on one side, or have you known any cases where the priests have differed?—I have known a case where the priests differed with regard to two candidates, who were both Liberals. I have known one case of that kind.

11642. Have you known any action taken by the bishops, upon any occasion, rebuking a priest for the part he had taken?—I was not a bishop at the time that I allude to now; but the bishop at that date did take action in advising the priests either to act together, or to withdraw entirely from the contest.

11643. Was not there a case during the last election at Galway where the bishop interfered with some priest for not taking a sufficiently active part in the election?—What occurred in Galway was reported in the public newspapers; it happened, I think, in this way. A priest of the town had undertaken to make an address to the people, touching the election on some very important occasion; he made an address, but never said a word about the election. The bishop considered that he had violated his engagement, and that he had done so in bad faith, and to damage the Liberal cause.

11644. What was the action taken by the bishop?—The action taken by the bishop was to make him go back again and address the people upon the subject upon which he promised to address them; I take the facts simply from the public newspapers; I do not profess to know anything more about it.

11645. Was that the Bishop of Galway?—Yes, it was the Bishop of Galway; and the case came afterwards before a public court at the trying of the petition.

11646. Before an election, is there any declaration made by the bishop generally as to the part which he wishes the priests to take, or the particular candidate which he wishes them to support?—I think not, because, generally speaking, the matter is quite plain; there is no line for the bishop and priests to take but one; either to take that line or not to take any line at all, except in such a case as I have mentioned, where two Liberals of exactly the same principles stood for the city of Limerick at one time, and then the priests were divided.

11647. Mr. *Whitbread.*] With regard to your former answer, supposing the last general election in Ireland had been conducted under the ballot, and it had come out in the course of confession that a voter had voted in the direction of maintaining Protestant ascendency in Ireland, could that, under any circumstances, have been made a ground for refusing absolution?—It could not at all be made a ground of refusing absolution; even supposing it to be a sin, it would be no ground for refusing absolution, but rather a ground for giving absolution.

11648. I am assuming that the voter does not express repentance of his vote, and does not promise to vote in any one direction in future?—If the voter believes that it is a sin, and confesses it as such, but he does not express sorrow for it, and a determination of not committing the sin again, he cannot be absolved, no matter what the sin is; supposing a man has committed a robbery, and he comes to confession and confesses it, and he says he is not sorry for it, but will do it over again, he cannot be absolved.

11649. But supposing the voter refuses to look upon it in the light of a sin?—Then how can it come into confession at all?

11650. Supposing it does transpire in the course of confession that the voter has voted in the direction of maintaining Protestant ascendency in Ireland, and refusing at the same time to give any pledge that he will vote in the contrary direction in the future, and refusing to regard it in the light of a sin, could that be made the ground of refusing absolution to him?—No; for there should be liberty of opinion allowed to him upon that subject; if he said that he did not consider it a sin to maintain Protestant ascendency in Ireland, and that he thought it was the right use to make of the elective franchise, it should be assumed that he had come conscientiously to that conclusion, and there would be an end of it.

11651. I gather from you that under certain circumstances it would be justifiable to refuse absolution on the ground of such a vote, although the voter did not regard it as a sin himself?—If the thing be plainly a sin, not excused by any circumstances whatever, and the man has plainly violated his duty, and acted in a sinful manner, he cannot be absolved from that sin unless he repents of it.

11652. And he would have plainly violated his duty if, voting under a secret form of voting, where no external influence could be brought to bear upon him, he had voted in the direction of maintaining Protestant ascendency, would he not?—I should take it that he would be abusing the trust confided to him for the public good; but he might take a different view of it, and he would be, of course, perfectly entitled to his opinion.

11653. Under such circumstances absolution might be refused to him?—I should take it that he would violate his duty; that would be my opinion, but, as I said before, my opinion would not be binding upon him; he should judge for himself, and be guided by his own honest convictions.

11654. *The O'Conor Don.*] But supposing that he were of opinion that he was justified in giving his vote, and did not regard it as a sin, could absolution then be refused to him?—No, it could not; people may entertain different opinions with regard to the obligation of voters on the question of Protestant ascendency, or of religious equality.

11655. Take this very question of Protestant ascendency; supposing a voter came to confession, and that his vote was taken by the ballot, and he said nothing about his vote, would the clergyman have a right to ask him how he voted?—I think not; I do not think a clergyman would ever think of asking such a question. The only case in which he could ask such a question, would be the case of which I have already spoken; the case in which the confessor knew that the penitent believed he had committed sin by his vote, and that he was merely forgetting to confess it.

11656. Supposing the question were asked, and the man said, "I voted against what is called religious equality, but I do not consider it a sin, and therefore I do not confess it," could the confessor then refuse him absolution for the sins that he did confess?—If he said, "I do not think it a sin," or if he was under the impression that there was no sin in the matter, then of course there was no sin. If a man acts wrongly through error, or through mistake, and does not know that there is any law against what he is doing, or is not

Right Rev. *G. Butler*, D.D.

6 July 1869.

aware that there is anything morally wrong in the act which he is performing, or has not the slightest idea that he is offending God in that act, I should say that that man does not commit sin, and there is no question of absolution in the case.

11657. Therefore it is possible that a man might vote against a candidate, professing religious equality principles, and not consider that he was acting wrong?—I think that quite possible.

11658. In such a case absolution would not be refused to him because he did not confess having done so?—The question supposed, I think, that he did confess it, or that it did come out in some way; but he said he did not think that he acted wrong; then there would be no question of granting him absolution at all, because he committed no morally wrong act; but you may suppose a case where the obligation is so plain and so evident, that you cannot believe that the man thought it was a good act, or that it was not morally wrong; for example, suppose that a man says that he thinks drunkenness is no sin.

11659. Mr. *Bright.*] If a man said that he thought that the Catholic religion in Ireland advanced more and sustained itself better in the face of an Act of Parliament Protestant Church than it would be likely to do in the face of a free Protestant Church, and that therefore he did not wish to vote for the abolition of the Established Church, should you consider that he was guilty of any offence before God in that?—No, if that were his sincere opinion; for then he would be acting according to his honest convictions, and with good and loyal intentions towards his Church.

11660. Sir *Frederick Heygate.*] The expression "Protestant ascendency," has been used a great deal; what do you understand by the term Protestant ascendency?—By Protestant ascendency I mean Protestants up and Catholics down. Protestantism made the religion of the State, established and endowed by the State; Protestantism made the door to all employment, civil or military, in the country, and to every position under the Crown.

11661. Does it mean anything more in your opinion than that the Protestant religion is the established and endowed religion of the State?—Protestant ascendancy means a great deal more than that; there were a great many evils connected with Protestant ascendancy. For example, it meant that a man could not be a magistrate, could not be a juror, could not be a sheriff, could not be a member of Parliament, or a member of a town council, except he was a Protestant. That was Protestant ascendancy a few years ago. These fetters have been cast off our limbs one by one; they were the fetters of Protestant ascendancy; but the whole fabric is not tumbled down yet; there is a great deal of it still standing.

11662. In fact, it introduces almost everything that is connected with the social system of Ireland?—Yes; Protestant ascendancy, I think, did go through the whole of the social system, and poisoned it all.

11663. *Chairman.*] You mentioned large canvassing parties going about the city of Limerick; were those parties in any cases so large that they might be called mobs?—Yes; by a mob I mean a great gathering of non-electors, who came for the purpose of accompanying the candidates and cheering them, and giving an appearance of popularity to their side of the question.

11664. Were those canvassing parties large, and somewhat disorderly assemblages?—The canvassing parties were very often not disorderly at all; but sometimes, when adverse canvassing parties met, a conflict occurred between them; that has happened from time to time.

11665. When they were so large as to be as you describe them, "mobs," they were sometimes disorderly, were they not?—Yes; I think that disorder sometimes was the result, especially when they met in the streets.

11666. Were those canvassing parties frequently accompanied by priests?—Yes.

11667. Do you think it desirable that priests should put themselves in the position of canvassers, accompanied by disorderly parties of this sort?—I think it is most undesirable for the priest himself that he should be obliged to take that action; nevertheless, I am sure that the priests believe they are conscientiously bound to do so; but I think it is not at all a disadvantage to the public that the priest should take that part. I know, whenever an election is coming on, and a contest is apprehended, the leading Liberal electors, the leading Liberal laymen, invariably invoke the assistance of the clergy; and, if the clergy are holding back, as they very often do, urge them forward and insist upon their coming out to assist them. They say, "Are you going to desert us?"

11668. You think that it does not tend to raise the character of the priest?—To the priest himself it is a most distracting and annoying, and unhappy occupation, to be engaged in electioneering contests.

11669. You would be very glad if the necessity for their acting in that manner could possibly be done away with?—I should be delighted if it could be done away with.

11670. Do you think that the adoption of a secret mode of voting might render it less necessary for the priests to interfere?—I think it would render it much less necessary for the priest to descend from his own sphere into the uncongenial arena of politics.

11671. Have you ever taken any notice of the municipal elections in the city of Limerick?—Yes.

11672. Have there been any features about them, such as have been described in connection with Parliamentary elections?—There has been only one civic election, that I recollect, at which any scenes occurred which might be compared to the scenes at Parliamentary elections.

11673. Was there the same rioting?—There was a great deal of rioting, and a good deal of mob work in the town during that election.

11674. And the same drinking?—I should think there was a great deal of drinking indeed.

11675. Was it generally understood that there was some bribery?—Yes, it was believed throughout the city that there was a great deal of bribery at that election.

11676. At what election was that?—It was the election at the time that Mr. Tait became mayor of Limerick. I think it was the year 1865.

11677. Was that supposed to have any reference to the future Parliamentary contest?—No, I should think not in the least.

11678. Did it turn upon politics at all?—Not at

at all; it was rather a personal contest between him and another citizen who sought the mayoralty.

11679. From what you have seen, therefore, should you be in favour of adopting secret voting for municipal elections, as well as for Parliamentary?—I should not think it at all so necessary; for I never saw any serious evils occurring at any civic contest, except on that one occasion. I do not know however what occurs elsewhere; but I should not think it likely that it would occur again in Limerick.

11680. Have you ever taken any part in any of the county elections?—Not exactly a part, further than taking a great interest in them.

11681. Have you watched what has gone on in the county elections?—I have had a pretty good knowledge of what was going on in the County Limerick elections generally, whenever there was a contest.

11682. You said something about the influence which was attributed by the people to the use of troops, but, as I understand, you refer to the borough elections?—No, I refer to the borough and the county both.

11683. Have you seen or known much about the system of escorting voters into the polling places by troops?—I have seen voters escorted into the city from the liberties of the city of Limerick; I have seen them brought in by troops and by police to the polling places, accompanied by the agent of the landlord whose tenants they were.

11684. Is it generally understood that that escort is merely for the purpose of protection, or is it supposed that in any cases it is for the purpose of coercing the voters?—It is generally supposed that the troops are employed for the purpose of hindering the great body of the people from having their natural influence upon individual electors. Those electors are gathered together, and brought in under an escort upon cars, with military about them. The people are not allowed near them at all, and it is supposed generally that that action is taken in opposition to the people; the people are in the habit of looking upon the army as opposed to them, as something belonging to the Government, and they say, and feel, that the Government is against them.

11685. Supposing that people were allowed to come into closer proximity with those voters, would they be allowed to vote against the popular party?—I think if the voters were allowed to get amongst the great masses of the people, they would vote according to their own convictions, and not against their convictions, with their landlord; they are sometimes brought in over night and housed in the city, and kept there all night, and then brought out in the morning to the polling places under an escort of military or police.

11686. But supposing the possibility of its being the intention of some Catholic voters to vote with their landlord against the popular party, would the people, if it were not for the troops, allow them to give their votes in that way?—Yes, I think they would; I should think they would often vote with their landlords, and against the people, without any assistance of the troops; but there would be the danger, of course, that the voters would go with the crowd, and vote according to their own convictions, if they were not kept in batches apart from the people, and polled under military escort.

11687. But would there not be a danger of such voters being violently prevented from reaching the poll?—There might be such a danger in cases of great political excitement, when the passions of the people are very much stirred; I think it is quite possible that individual voters, if they were known to be going to vote against their own convictions, and against their neighbours, might be molested, and probably jostled about, and hindered from voting.

11688. Do you think that, under the present system of open voting at elections, it is possible to dispense in Ireland with the use of the military?—I could not answer that question.

11689. Would you not apprehend very serious breaches of the peace, if the troops were not present at elections in Ireland?—I think that if the landlords persisted in forcing their tenants to vote against what everybody knows to be the tenants' own convictions and interests, probably casualties might occur if there was not a public force at hand to keep the peace and hinder violence.

11690. Is it not notorious that where Roman Catholic voters vote with their landlords and against the popular party, it is against their own convictions?—I think that is quite notorious; in fact they admit it themselves; they very often come to the heads of the Liberal party, and especially to the priests, often with tears in their eyes, complaining that they are not allowed to vote as they would wish; that the landlords will not allow them to vote with the people and according to their convictions.

11691. Mr. *Bright.*] Have you ever seen that?—I have experienced it myself more than once, not since I have been bishop; but before I was bishop persons came to me again and again, complaining in the most bitter manner, of the restraint the laws put upon them, and in fact offering to vote against their landlord even at the risk of being turned out of their places, and I, myself, often counselled persons to vote with the landlord against their convictions in order that their families might not be injured; I said, "You are not bound to vote with us, under these circumstances, and we can do without you."

11692. *Chairman.*] Are you aware that in England, in some instances, Roman Catholics, and even Roman Catholic priests, did vote against the Liberal, and in favour of the Conservative candidate at the last election?—I do not know indeed what happened in England.

11693. I may tell you that that was done, and therefore do you not think that a Roman Catholic voter might conscientiously vote with his landlord although against the majority of his fellow religionists?—I do not see how he could properly do that, if he looks upon the elective franchise as a trust, which he has for the public good; I do not think it tends to the public good, to have him vote according to his landlord's opinions, and against his own convictions.

11694. Do you not think that if a Roman Catholic priest in England could be found to vote for the Conservative candidate against the Liberal candidate, it was not also possible that in Ireland, a Roman Catholic voter might conscientiously vote with his landlord, and against the priest and the popular party?—I think that at the last election a Catholic might, under certain circumstances, have voted with his landlord,

Right Rev. *G. Butler*, D.D.

6 July 1869.

and against the popular party in Ireland; and I have said just now, in reply to Mr. Bright, that I myself sometimes counselled people to vote against their own convictions with the landlord, for the purpose of avoiding the penalties that would ensue, and in cases where we could do without them.

11695. But you think that it is impossible, that if he was not biassed in some way or other, he could conscientiously vote against the popular party?—If you speak of England, I will not answer for the conscience of the people of England; but in Ireland, I do not see how a Catholic who had no pressure of any kind put upon him could think of voting for the Tory party, when the question in hand was whether Protestant ascendancy or religious equality should be the law of Ireland; I do not see how he could possibly think of voting for the Conservative candidate in such a case.

11696. Are you aware that priests ever hold up to public indignation a parishioner who has voted against his party?—I am not aware of it; and I stated before, that as far as the diocese of Limerick is concerned, every priest is strictly forbidden, under severe penalties, to denounce anybody from the altar for anything whatever.

11697. But without denouncing him from the altar, are not meetings held outside the chapels, after mass, very frequently?—Sometimes meetings are held outside the churches; it is customary, if a Sunday intervenes between the nomination day and the polling day, for the candidates to go to the Catholic churches in the liberties of Limerick, and they get an opportunity of meeting the country electors after mass; they assemble in the churchyard, and the candidates and the priest address the people.

11698. Would it be wrong for the priest on such an occasion as that to say, So-and-so and So-and-so are going to vote against their party, and to hold them up to the indignation of the people?—It would not be right at all for the priest to do that, and the priest would not do it, I think.

11699. Do you feel sure that that never is done?—I do not know any instances where the priest brought forward the name of a particular person beforehand in that way, and said, "This man is going to vote against his conscience and against the Catholic cause." I am not aware of any case where that has occurred.

11700. But, without naming any name, would it be wrong for the priest to say on such an occasion as that, that those Roman Catholics who were going to vote against their party were going to disgrace themselves, and otherwise hold them up to public indignation?—I should think that that is a thing which might have often been said; that any Roman Catholics who would vote against their party and against their convictions, in so important a question as this, were belying their convictions, and betraying the public cause.

11701. You contradict the statement that you had taken a very active part in the last election at Limerick?—I stated exactly what occurred.

11702. Did you take a more active part in any former election than you did at the last election?—I took a more active part in elections in Limerick before I was bishop.

11703. Mr. *Villiers.*] Do you consider that vote by ballot would dispense with the necessity of the employment of troops?—I think it would altogether.

11704. Mr. *Hunt.*] Would you like to see an extension of the number of polling places in Ireland?—I am not sufficiently acquainted with that question, so far as it affects other places outside Limerick, but as far as Limerick is concerned, I think there was always an abundance of polling places.

11705. With regard to those voters who live in what you call the liberties of Limerick, do you think it desirable that they should have an opportunity of voting without coming into the city?—No, I do not think it would be at all necessary.

11706. That would avoid collision, would it not, with voters to whom they were opposed in politics?—They do not live far from the city; they are just in the environs.

11707. How many miles have they to come?—I should suppose two or three miles.

11708. Supposing they could vote nearer their own homes, do not you think that would be an improvement?—I do not know; it is so near the city, that I think if there were polling places set up, the very same influences which now are brought to bear upon them in the city, would be brought to bear upon them at the polling places in the liberties.

11709. Do you think that there would be any occasion for troops to protect them?—I think the same occasion exactly would arise as arises now.

11710. Mr. *William Henry Smith.*] In your evidence you stated that the difficulty of the priest was to get the voters to act at all, and you went on to say that the clergy often found it difficult to make the people even sign a petition, and subsequently you said that if the ballot were established the priest would be able to withdraw from politics; how is it that the ballot would induce people to discharge their duty as voters, and exercise the trust which you speak of, so as to enable the priests to withdraw from political contests?—When I said that the establishment of the ballot would enable the priests to withdraw from politics, what I meant was that it would enable them to withdraw from those scenes of turmoil and excitement in which they are now obliged to mix; but I should not think that it would exonerate them from advising the people as to how they should use the elective franchise by ballot, if the ballot were conceded.

11711. Nor from the necessity of getting them to act at all?—No; the priests would be still obliged to urge upon the people the duty of exercising the franchise, for the doctrine had been extensively propagated that it was utterly useless to send Members to the British Parliament, and that looking to England for any radical cure of the evils of the country was looking in the wrong direction. That doctrine had been freely preached, and had entered very much into the minds of the people, and it is only quite recently, since Mr. Gladstone's Church Bill was introduced, and passed by such large majorities through the House of Commons, that the people have begun to look with any hope to the Imperial Parliament. In their present temper of mind, produced by the remedial legislation that is in progress, it would not be as difficult as before, or at all difficult, for the priests to induce the people to exercise the franchise, and to take a lively interest in Parliamentary elections.

Friday, 9th July 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Edward Egerton.
Mr. Fawcett.
Mr. Graves.
The Marquis of Hartington.
Sir Frederick Heygate.
Mr. Howes.
Mr. Hunt.
Mr. James.
Mr. Leatham.
Mr. Locke.
The O'Conor Don.
Mr. Raikes,
Mr. William Henry Smith.
Mr. Villiers.
Mr. Whitbread.

THE RIGHT HON. THE MARQUIS OF HARTINGTON, IN THE CHAIR.

The Right Honourable the Lord STRATHNAIRN, attending by permission of the House of Peers; Examined.

Rt. Hon. Lord *Strathnairn.*

9 July 1869.

11712. *Chairman.*] YOUR Lordship is Commander of the Forces in Ireland, I believe?—Yes.

11713. You were in Ireland, were you not, at the time of the last general election?—Yes.

11714. Were any general instructions given by you or any other officer with regard to the use of the military at the elections?—None beyond instructions in the case of any particular attacks on the troops, which are consequent on the organisation of the masses in Ireland now, generally speaking in cases of riot by the Fenians, who had learnt a certain amount of strategy in America which they used on those occasions, and they were selected as leaders of the people.

11715. Was the distribution of the force in Ireland altered on account of the elections which were taking place?—Yes, entirely over the whole country. Whenever there was a contested election anticipated or actually taking place, the troops were sent according to the requisitions of the Government.

11716. The requisitions proceeded from the Government?—In all cases; it is laid down in the instructions that the Government require, and the officer in command makes the military dispositions consequent as to number and position, and so forth.

11717. What instructions were those?—Those are the only instructions we had (*handing a document to the Chairman*). They have been recently amplified and altered.

11718. Those are general orders for the guidance of troops in affording aid to the civil power in Ireland; under whose authority are those published?—This is under the authority of the government of Ireland and the Commander of the Forces; it is a common accord and agreement between them.

11719. I see it is published by order of General the Right Honourable Lord Strathnairn?—Yes, that is the order to the troops, but it is approved by the Government, and the Government have copies of this.

11720. The troops, I believe, are frequently used for the purpose of escorting voters, are they not, to the poll?—Yes, whenever a riot or an attack upon them is anticipated.

11721. Is any special provision made for that service in these orders?—It says whenever they are called upon to aid the civil power.

11722. In this order it is directed that the officers are to escort and protect voters at Parliamentary and other elections, and to aid the civil power with respect thereto; that is so, is it not?—Yes.

11723. But no more detailed instructions are given to officers in the execution of that duty than what appears here?—None whatever, except in the cases that I have mentioned, of attack.

11724. Has your attention been called to the evidence which was given by General McMurdo?—Yes, it has; and I am sorry to say that I am obliged to contradict his evidence by his own written report.

11725. What part of it do you refer to?—I allude particularly to that part of his evidence where he states that the troops were not required at Balbriggan, and in another place he comments upon the quantity of troops employed upon that occasion, and the bad effects of their being so employed; whereas his report to me, dated the 22nd of November 1868, entirely approves of that arrangement (*producing the same*).

11726. At Question 7545, General McMurdo is asked, "You stated that several cases have come within your knowledge where an inordinate number of troops appear to have been employed, and where there appeared afterwards to have been no necessity;" to which he replied, "Yes, at Balbriggan, which was one point where I placed myself in the county of Dublin election; at one time I estimated that the force of armed constabulary and military exceeded that of the mob at the polling place. *Q.* In that instance, were those troops sent down at the application of the magistrate?—*A.* It was upon the order of Government, and I have no doubt that that order was induced by the application either of a magistrate or of one of the candidates, but that I do not know; I only got the order from the Government through Lord Strathnairn." Is this

Rt. Hon. Lord *Strathnairn.*

9 July 1869.

General McMurdo's report?—Yes, this is his report; he was asked specially about Balbriggan, and the advantage of the number of troops employed upon that occasion; and he says, "Aid to the civil power.—Dublin county election, 21st November 1868.—Military Secretary.—In accordance with his Lordship's instructions, I proceeded to Balbriggan by the first train yesterday morning, having sent orders, by telegraph the previous evening, for a company of infantry (on cars), and half a troop of dragoons, to proceed before daylight, or at such hour as the magistrate might appoint to Garristown (eight miles), to escort voters. At 9.30 I moved with a small detachment of cavalry (and accompanied by a constable) along the road towards Naule to reconnoitre the country, and to create a diversion in case any opposition to the progress of the convoy was contemplated; but I met the expedition moving quietly, and without interruption of any kind. The arrangements for bringing the voters from the special train to the polling place were equally fortunate; these being set down at a crossing short of the station, and unobserved. Lieutenant Colonel Clayton commanding the post made these arrangements with the magistrate with my approval; and I attribute the entire absence of even a disposition to rioting on the part of the people to the judicious concentration in this part of the country of an overwhelming force, both civil and military. The value of this principle in dealing with civil commotions may be estimated from the fact, that though the occurrences at Drogheda on the previous day (and only a few miles distant) were calculated to increase the excitement of the people; and even to tempt a truculent mob to visit Balbriggan, yet the number of the people did not at any time exceed the police force on duty in the town. This was so remarkable as, at one time to rouse my suspicion of some mischief being organised outside the town; and I caused the country in the neighbourhood to be reconnoitred by my staff in several directions, before being satisfied that the calm was real. I have called for reports from the officers who commanded the posts at Kilmainham and Kingstown; but as these are not yet received, and I am about to proceed to Tipperary, the officers will be instructed to send them to you direct.—*McMurdo*, Major General.—Dublin, 22nd November 1868."

11727. I will call your attention first to Question No. 7510, where General McMurdo states that the troops "are made to take a very active share in the proceedings of an election, and so must vitiate the principle of the freedom of election; I allude to the service of escorting voters, principally rural tenant voters, great distances under military escorts. It is very well understood by the officers of the army that the majority of those voters go under the escort very much against their own inclination, in order to vote according to the wishes of the landlords;" do you agree with that?—No, not at all, not if you mean that officers conceive that they are to coerce voters to the poll, although, of course, they frequently know the sentiments of the candidates; I do not know an instance of an officer having reported that; and his direct orders do not bear out that conclusion at all. They are simply to escort the voters, as they are to escort rioters, or judges; in short, any person required by the civil authority to be escorted; and there is no order whatever given to them which bears that interpretation. I have called for a return from Colonel Armstrong, the deputy adjutant general, acting also as the military secretary, to make a dilligent search, both in his office and the military secretary's office, to see if there has been ever any report addressed to either of those officers, of the instance cited by Major General McMurdo, where an officer or soldier had in any way coerced voters to remain under their care; and here is his answer; it is straightforward: "Royal Hospital, Dublin, 7th July 1869. (Confidential.) My Lord, I have the honour to state, for your Lordship's information, that there are no orders in existence from the Commander of the Forces in Ireland to officers employed in aid of the civil power at elections, to consider voters whom they may be engaged in protecting in the light of prisoners; and that no instructions conveying such a meaning have been issued. After diligent and frequent search amongst the records in both the offices of the adjutant general and of the military secretary, I cannot discover any report made by an officer so employed, that he has treated voters as prisoners, or prevented them from quitting the convoy when they desired to do so.—I have the honour to be, my Lord, your Lordship's obedient humble servant, *J. W. Armstrong*, Deputy Adjutant General." He speaks in the name of two departments, the adjutant general and the military secretary. There are three departments, and this, which I will now read, is the third from the quartermaster general: "I never heard anything as to either officers or men having prevented voters from getting off the cars (of which the troops had charge) in order to avoid voting. This is the first time I ever heard the subject mentioned." This is dated the 22nd June 1869, and is signed by Colonel Mayo, Deputy Quartermaster General to the Army in Ireland. I can only say, with regard to this subject, that if any officer had presumed to coerce voters to stay upon the cars, I should have considered him totally deficient in the judgment which is necessary for an officer in the command of a detachment, and should have reprimanded him very severely, and never have employed him again to command a detachment.

11728. Have you ever acted in Ireland in any other capacity than Commander in chief?—Under Lord Anglesea's Viceroyalty; on account of the distracted state of Tipperary, and the strength of the illegal confederacies there, all the elements of law and justice were paralysed, and officers were frequently entrusted with the commission of the peace; and it so happened, that whilst I commanded the detachment in Tipperary I held a commission of the peace for the same county; and more recently I have, as an Irish privy councillor, commanded the forces during the Fenian period.

11729. The object of my question was whether you had acted in a military capacity in Ireland before you were appointed commander of the forces there?—Yes, as a subaltern, as a captain, and as a field officer.

11730. And as such have you been present with troops at Irish elections?—Yes; once I was at Kilkenny under Lord Anglesea's Viceroyalty; that was, I think, when Lord Duncannon contested the county with Mr. O'Connell.

11731. Have you ever been employed personally in escorting voters?—Yes; I never dreamt of such an idea as coercing them at all.

11732. But still may it not be the fact, as stated by General McMurdo, that the majority of those voters

voters may go under escort very much against their own inclination, in order to vote according to the wishes of their landlords?—It is perfectly possible, and it very often happens, I have no doubt.

11733. Are you able to express any opinion whether that is the case or not?—The reasonable conclusion is that they very often do. They are very much under the influence of the Roman Catholic clergy; but then again there is a subdivision of that, because a great many of those men do not coincide with their clergy in many points. Some are not at all of opinion that they ought to bear the burden of paying their clergy, and would be very glad to be free from it; and, especially at the last election, that entered very much into the question. Therefore it is impossible to judge altogether; but you may take it as a fair presumption that when they vote on such Roman Catholic matters they do not adopt the views of their Protestant landlords.

11734. Mr. *Edward Egerton.*] Will you tell us what is the machinery employed in getting those voters up; whether they are brought forward by the agents of the candidate, or in what way they are brought to the escorts?—The agent generally canvasses, or the landlord himself, or the friends of the landlord, very much as they do in England.

11735. Then is there a written requisition made out and sent to some resident magistrate?—Those parties represent to the Government, if it is so, that they think there will be a breach of the peace, and then the Government directs a similar requisition to the officer to furnish troops in aid of the civil power.

11736. Then the requisition in the first instance comes to you, not from the voter, but from some one individual speaking on behalf of him?—It comes from Government or from the representative of the Government in the counties.

11737. In the shape of a resident magistrate?—Yes, exactly.

11738. Mr. *Hunt.*] Do you know what puts the Government in motion in that case?—The representations that they receive from the police authorities principally, from the constabulary officers, and from the magistrates and the resident magistrates, and they also receive any letters from any landlord or any other quarter, and they act upon them as they think it is entitled to attention.

11739. Mr. *Edward Egerton*] Have you known any cases where an officer has declined to form an escort?—I never heard of an officer declining to do it; he cannot do it. It is a responsibility which no officer could take upon himself.

11740. He has no discretion in the matter?—No discretion whatever; it is given with the utmost impartiality. Lord Kimberley used to give it to parties who must have been considered opposed to himself; the Duke of Abercorn and Lord Spencer the same; the question of which side it is never enters into the calculation; they come into the office perhaps 20 in a day when a contested election is going on; you hardly know who the parties are in many cases.

11741. Mr. *Hunt.*] The orders to the troops have not varied with the change of Government?—Never in the slightest degree. I have been under three different Governments, and the impartiality is perfect in that respect; there is no question of it.

11742. *Chairman.*] Have you read the instructions which General McMurdo stated were given by him for the guidance of officers under his command in Tipperary?—Yes, I have.

11743. Do you consider them judicious instructions?—I thought them too voluminous, and that they rather embarrassed the troops in consequence of their length. I have altered very little the instructions, which he had not received when he issued his, and to which I referred him, and I cancelled his instructions, and begged him to act upon mine; they were in some sense cautions against strategical obstacles by the Fenian leaders.

11744. Did you issue any instructions that escorts were not to be granted in any case, except they were accompanied by cavalry?—I gave that order when cavalry could be had.

11745. I think we were told on Tuesday that an escort was refused in one or two cases, because it could not be accompanied by cavalry?—I do not know of any special case; as well as I remember, my instructions were that whenever cavalry could be had, cavalry should be always sent. Now, and since Sir Edward Blakeney's time, infantry are never to be employed without cavalry, if they are available; and the shameful occurrences at Drogheda showed how wise that instruction was. The mob struck with bludgeons the horses' heads there, and forced them back upon the infantry, threw the infantry into confusion, which was the signal for a general attack by the rioters, who had posted themselves on both sides of the bridge, they threw volleys of missiles, broken quart bottles, and large stones at the troops; the officer was struck down senseless, and the rioters were almost amongst the troops, and I believe if the shot had not been fired which was fired, they would have closed upon the infantry who had been thrown into confusion by the falling back of the cavalry, on account of the attack upon the horses' heads with bludgeons; this was a critical moment, either the troops would have used their arms indiscriminately, the quick-loading Snider, when there would have been a frightful massacre of the people; or the people would have overpowered the military, and then the fate of the military would have, no doubt, been that they would have been thrown into the River Boyne. That is all stated in Judge Keogh's charge; he described it even in stronger terms than I do, and he said that it was a scene of the utmost peril. Five officers, and 29 men of the troops, besides numbers of voters, and several horses, were hurt or wounded.

11746. You differ from General McMurdo, in his opinion that it would be useful to arm the troops with sticks?—Yes; here is a letter which I wrote to him on the subject:—"The Commander of the Forces Office, Royal Hospital, Dublin, 2nd December 1868.—Sir, I am directed by Lord Strathnairn, to acknowledge the receipt of your letter of the 25th ultimo, enclosing copy of orders issued by you to the officers commanding posts at the recent election in Tipperary, and to inform you that as orders for the guidance of officers on such occasions had already been issued by his Lordship, he begs that you will be good enough to recall your circular of the 23rd November last. With respect to paragraph 10 of that circular, and with regard to the future, I am to acquaint you that his Lordship does not consider the use by the cavalry of sticks to be desirable; as, independent of other objections, it would be considered a sort of provocation to a conflict, which would not be the case with the

Rt. Hon. Lord *Strathnairn.*

9 July 1869.

regular arms appointed for the troops.—I have, &c. *L. Smyth,* Colonel, Military Secretary.—To Major General McMurdo, Royal Barracks."

11747. Do you know whether, in some instances, escorts for the protection of voters were granted, and the voters conducted to the polling-place some days before the election?—Yes, that happened, I believe, at Sligo, and that is alluded to in a report which I have drawn up for the Government. It was a verbal communication from Colonel Wilson Patten to me. The O'Conor Don made a complaint of that nature, that they had been carried off, and the defence set up on the other side was, that if they had not taken them off, the other party would have done so.

11748. Is that a report which you have made to the Government?—A report which I have written for the Government, but (from various causes, the Drogheda election riots, the elections generally in Ireland, the coroner's inquest, and the examination by Judge Keogh) I thought it more prudent to defer it until those examinations had taken place; afterwards I was away, and it has never been sent in; but I told Lord Spencer that I intended to send it in. That very circumstance is alluded to in my report, where I say that, generally speaking, during the late election in Queen's County, and throughout Ireland generally, the influence of the Roman Catholic clergy, and the violence of the masses, was so great, that the proprietors withdrew in many cases from contesting at all. That happened in Mayo, King's County, and Queen's County, and other places, and I have had very remarkable letters upon the subject from people asking for aid; and they showed that the influence of the Roman Catholic clergy on that occasion, backed up by the masses, was quite overwhelming, and put out of the question all chance of success on the part of the other side, who gave up the elections in those three cases, and in others also.

11749. Is that a confidential report?—Yes, the nature of it makes it confidential.

11750. Could you read the passage which refers to the Sligo election?—"If landlords use their influence to coerce the right of franchise of their tenantry, they are highly culpable; but in this last general election, in several instances, the landlords would not enter on, or, if they did commence abandoned contests which, besides entailing on them all the evils of intimidation, left them and their supporters no chance of success against the commanding influences which have been mentioned. Lord Strathnairn only heard of one complaint of illegal interference of landlords with voters, which was that in Sligo. Voters had been carried off and kept in a state of quasi imprisonment, to vote for the Conservative candidate. The defence set up to this accusation was, that if this had not been done, the rival candidates would have abducted them." This report refers to the elections in general. It is a report on the Drogheda election, and then it goes on to notice generally the leading features of the late elections.

11751. Do I understand you to say that that has never been sent in to the Government?—No, it has not been sent in, but it will be sent in.

11752. Would there be any objection, on your part, as representing the military authorities, if the Irish Government saw no objection, to laying that report entirely before the Committee?—No, none whatever; I have not the slightest objection. I only headed it confidential, because I thought it was more according to rule, but it is the property of the Government; I cannot give it up without their sanction.

11753. Mr. *Hunt.*] I wish to call your attention to the reply of Dr. Butler, the Roman Catholic Bishop of Limerick, to Question 11536, where he says, "There is a very strong impression I know upon the minds of the Liberal party that when the Tory Administration is in power the military are used to carry out their political views." Is there any truth in the suggestion that there is any difference made, when the Tory Administration is in power, with regard to the use of the troops?—Not the slightest in the world. We have no power whatever to do it; and anything so unworthy never entered into an officer's head.

11754. What is the duty of an officer in command of an escort, on arriving at the place where he is expected to act, with regard to reporting himself?—He ought to be accompanied by a magistrate; but in cases of emergency the Government dispense with that, and allow the presence of a sub-constable; generally two, if it is possible; he reports himself to the magistrate, and acts entirely under his orders; he cannot fire without his orders. It has been always understood that, as regards military arrangements, that is the duty of the officer; but in anything regarding the use of the military towards the people he can do nothing like coercion without the authority of the magistrate.

11755. You would say that it is the practice for a magistrate to accompany the troops?—It is the order that he should do so, or a civil officer of some sort.

11756. But supposing that a detachment of troops is sent into a district with no magistrate accompanying them, what magistrate would the officer go to?—He goes to the resident magistrate, or to the local magistrate.

11757. Would it be at the option of the officer as to what magistrate he would apply to?—On that point there is an unlucky shortcoming. The position between the resident magistrate and the local magistrates is not very clearly defined, and I begged the Government very much to have it settled and defined, but they found too many difficulties in the way. It is left to the discretion of the officer where there are stipendiary, or resident magistrates, as they are called, and local magistrates; that is, country gentlemen magistrates, as to whom he is to obey; and, of course, that might place an officer in great difficulty. It is not defined; but the stipendiary magistrate, generally speaking, is considered the senior, and the more responsible authority.

11758. My question pointed to this, to which magistrate ought the officer to apply on arriving, with his escort, with the troops under his command, in a district?—He applies to the senior magistrate on the spot. Sometimes there are three resident magistrates, and one of those magistrates is the senior, he takes charge of the civil and military force, and the two or three or four other magistrates must obey his directions. But so far from there being any partiality, I have had letters from leading landlords of the opposite interest, asking me for assistance. In Drogheda and the north of Ireland the military are often called out to protect the Roman Catholics from the Orange men.

11759. In

11759. In that case the troops are as freely given in aid of the Roman Catholics as in other districts in aid of the Protestants?—Without the slightest difference.

11760. Is it your opinion that in some districts of Ireland it would be impossible for an election to be conducted with freedom without the presence of the military?—Perfectly impossible; and I think that General McMurdo admits that equally; because, when he was asked what he would propose to substitute for the troops, he said, the ballot, and an increase of the polling places. Therefore, it is evident that he conceived that if troops were not employed, there must be some substitute for them, in order to ensure the safety of the voters.

11761. Have you been present as an officer commanding an escort, when there has been any considerable mob violence at an election?—Yes; I have been knocked down senseless, and my sword broken on one occasion; and at another time I was very sharply hit with stones; and, certainly, the feeling generally of officers is that they would rather have recourse to anything than kill a countryman.

11762. When there has been a violent mob at any election at which you have been present, have the ministers of religion endeavoured to quiet the mob and restrain them from acts of violence?—In the case I mentioned, the priest behaved remarkably well; it was many years ago, when I was a subaltern. I had only eight men, and about 3,000 or 4,000 men set on a gauger, a very ill-conducted man; but I was obliged to protect him. He excited the people very improperly, and there the priest behaved remarkably well; he had a hunting whip, and he knocked them down in every direction.

11763. *Chairman.*] Was this at an election?—No; it was a still-hunting party, who got drunk at the fair, and could not control themselves; and they got upon the tops of the houses when driven from the streets, and threw down stones. In that case two men stood over me when down, and fired, and then, as usually happens, which proves the moral effect of arms and their advantage over sticks, they instantly dispersed.

11764. Mr. *Hunt.*] Is it the practice of the priests to endeavour to discourage the mobs from committing acts of violence?—I am sorry to say that at the late election it was exactly the contrary. I presume you have read Judge Keogh's charge where he refers to three clergymen, who did not deny the evidence against them taken by a shorthand writer, to the effect that the riot was chiefly owing to the violent harangues that they held, in which they encouraged and called upon the people to go to the railway station and attack the voters; and, in fact, to throw them into the river. That is in evidence, and nothing can be severer or more illustrative of the state of Ireland than that charge of Judge Keogh's from begining to end. That was the Drogheda election.

11765. I suppose that was an unusual case, was it not?—No, not all; it was the same throughout Ireland. I have a letter here from a landlord, holding a very important position, and of very Liberal opinions, in which he says, for instance, speaking of the last election, "Mr. So-and-so" (that is a Roman Catholic clergyman), speaking in a district of mine, and alluding, of course, to me, said, "We must have a bloody deed here to set things right; we must imitate Tipperary." That was the Ballyhooly affair.

11766. *The O'Conor Don.*] Could you mention upon what authority that statement was made by the landlord; did he hear it himself?—He heard it from a policeman who was in the chapel.

11767. And did he make any inquiry as to how far that policeman's evidence was reliable or borne out by others?—He said that he had perfect confidence in the man.

11768. This is merely a statement made by a policeman without any investigation as to its accuracy?—Without anything else; that is as I understand it; but it was perfectly believed by this person. If this policeman's name were to appear he would be assassinated immediately by a confederacy in some way. There are so many assassinations in different counties of Ireland.

11769. Mr. *Hunt.*] Was it stated that those expressions were used at a place of worship?—In the chapel; because the policeman was there on Sunday.

11770. *The O'Conor Don.*] I understand that there was no further investigation, but the policeman's word was immediately accepted as an accurate description of what took place?—I wrote to my correspondent, and said that it would be very desirable if this could be brought forward; but he said that he could not do so, which I could perfectly well understand, because I know from experience that anybody who gives evidence against the popular feeling is almost certain either to have some outrage committed on him, or to be assassinated. I was obliged to send away a soldier of the Royal Artillery who simply gave evidence against a Fenian who was convicted. This illustrates the state of things in Ireland; I could multiply this instance. I inspected a battery; I asked if they had any complaint; this man stepped out and said that he had no complaint, but he wished very much to leave Kilkenny, as he had given evidence against a shopkeeper there who was to be brought to trial, and the soldier felt that his life was not safe. From my experience of Ireland, I considered it a just representation, and I took the man up with me to Dublin, and transferred him to a battery there; but the man came again, and represented to his officer that his life was not safe, as he had heard from his friends that he would be attacked there. I therefore recommended the Duke of Cambridge to transfer the man to a battery in England. His Royal Highness had been in Ireland, and he knew that it was a necessity. An illustration of how rightly the man had complained, and how rightly his transfer had been allowed, occurred very soon afterwards. Two gunners of this same battery were going home to barracks at Kilkenny, a mob, headed by a soldier on furlough, of the 17th Regiment, of the name of Manning, crying out "Down with the Traitors!" "Hurrah for the Fenians!" and so forth, attacked those two gunners, whose crime was merely to have belonged to the same battery as this man; they set upon them in the most brutal way, beat one man senseless, when they thought they had killed him, they erected a stone upon him as a sort of cairn, or a mark of victory; the other man lay for some time for dead, but at length contrived to crawl to the barracks and gave information. The police were very active, and this man Manning and three others were detected, brought

Rt. Hon. Lord *Strathnairn.*

9 July 1869.

to trial, and sentenced to penal servitude. So that there could not be a more complete case.

11771. Mr. *Villiers.*] Do we understand you that this mob was led by a soldier?—Yes, by a soldier on furlough, of the name of Manning, his sister is a servant maid to the resident magistrate there; this man took his belt off, said, "Down with the Queen," and laid about him with his double belt, which is a dangerous instrument.

11772. Do you give that as an illustration of the state of the army, or of the state of the country?—No, I give it as an illustration of the mob intimidation in Ireland. Another soldier, who had given evidence, was set upon on the quays of Dublin, coming out of a public-house, and five shots of a revolver were fired at him, two of which took effect and wounded him very dangerously, he was taken to hospital. And then comes another curious case; soon afterwards a bricklayer, who was working there, said to the man, "Why do not you walk out in the Phœnix Park, it is very fine weather and the fresh air will do you good?" It appeared afterwards that the intention of this man was to allure the soldier to the Park, and there have him murdered.

11773. That is not the result of any inquiry, is it?—It is the result of inquiry; I go very much into these things. The man reported this case, and I had it inquired into, and I have no doubt that it was true; all the other parts of the story was perfectly true about his being fired at and wounded in consequence of his having given information. The soldier was fired at in the streets of Dublin, and not a man would assist in arresting the person who fired at him.

11774. *The O'Conor Don.*] All those instances of intimidation that you have mentioned I understand were in connection with Fenianism?—Not at all, but is the same spirit; there is the same spirit now in Ireland; my military secretary, Colonel Smyth, has a property near Dublin, but he cannot go out to visit it without being watched by the police. He married an Irish lady of some property in the county of Westmeath, as he has a great deal to do with me, he could not attend much to his property, he therefore let out the demesne, or park, to a very respectable young man, named Bolton, who is the son of a wealthy farmer of about 2,000 *l.* a year; because he let out for grazing this demesne, Mr. Bolton received a death notice; Colonel Smyth complained to Lord Spencer, who immediately, with his usual good feeling, took up the matter very warmly, and sent police there; whenever this man walks out he has one or two policemen to attend him.

11775. That is in connection with Ribbonism, is it not?—It is the same spirit as guides the Fenians, of lawlessness and disaffection.

11776. In consequence of the state of Ireland preventing an open and public inquiry into statements of this sort made by policemen, do you consider that they should therefore be taken always as true without any investigation?—When you receive a statement of that sort, if the state of the country does not bear it out, you might consider it extremely doubtful and not believe it at all, but where everything around you bears it out you attach much weight to it.

11777. But with regard to the statement of the policeman as to what the Roman Catholic clergymen stated in his chapel, is there anything in the state of the country in what you have mentioned which will bear out the report of that policeman with respect to that Roman Catholic priest?—Quite so; I adduce the case of Drogheda. I think Judge Keogh's charge bears it out, and renders it probable that if three clergymen acted as they did there, another clergyman would act in the same way somewhere else under the same influences of party feeling, particularly as there are several other similar cases.

11778. Do you take the Drogheda case as a corroboration of this statement of the policeman?—No, not as a corroboration, but coupled with the state of the country at the last elections.

11779. I cannot see myself what the general state of the country has to do with this particular statement?—Then we differ in opinion, that is all.

11780. The general state of the country you consider to be in some way attributable to the addresses of the Roman Catholic priests to their congregations?—No, I did not say that; you put those words into my mouth; I was talking of intimidation at elections, but not of Ribbonism or Fenianism.

11781. What connection is there between an address made by a Catholic priest to his congregation, and those instances of intimidation connected with Fenianism and Ribbonism to which you have referred?—I consider that the Ribbonmen were the rank and file of Fenianism.

11782. The question that I asked is what connection do you draw between the address of a Catholic clergyman in Drogheda and this supposed address of another clergyman somewhere else, and Ribbonism and Fenianism?—The address of "another clergyman" relates to an election. I did not connect the Roman Catholic clergy with Ribbonism and Fenianism. I consider that the Catholic clergy took up a very improper and unconstitutional position as regards those elections; they were certainly under the excuse of very vehement party feeling. But there are numberless instances that I can furnish the Committee with; I have a file of newspapers where there are printed addresses which I suppose will not be denied; one is of a Roman Catholic clergyman of the name of Shea in the Queen's county, which also brings forward the case of Ballyhooly. I shall be most happy to send every document I have to the Committee confirmatory of what I have said, and I have a great many; but I should certainly recommend the study of Judge Keogh's charge, because nothing can be more instructive than it is.

11783. Mr. *Villiers.*] Was any action of any kind taken in consequence of that report of the policeman of what he had heard, or had heard of, in the chapel?—No, it is not possible unless you protect the man. You must give the man a pension and remove him from the country.

11784. Was that policeman removed after he had made that disclosure?—That I do not know. I should think not, because the answer that was made to me was, that they could not take it up, because it would imperil the life of this man.

11785. I think it came second or third hand to you that the policeman said that he was at the chapel, or that he had heard the clergyman state "There must be a bloody deed done here, and the example of Tipperary must be followed"?—Yes.

11786. *Chairman.*] You heard of it on the authority of that policeman?—Yes.

11787. Mr. *Villiers.*] I wish to know exactly what the authority is; did the policeman say that

that he heard the clergyman say so, or did he report that he was told of it privately in the neighbourhood, or did the landed proprietor show you any letter from this policeman?—Perhaps it is a rather more important communication from the policeman than a mere report. This gentleman was a magistrate, the policemen had orders to report everything of that nature that they heard to the magistrates, therefore it was an official report; but it is given of course, upon the good faith of the landlord.

11788. But the clergyman was not put upon his defence?—Not at all.

11789. Why, did they know what he would say?—No, he might have denied it completely.

11790. Mr. *Hunt.*] Do you think that it would be safe for persons to come and give evidence with respect to such language used by a priest in the disturbed parts of Ireland?—Certainly not; it would be utterly impossible.

11791. Do you think that that fact prevents persons coming forward and giving evidence before this Committee?—Entirely so. I can remember particularly the views of all the Irish Administrations on this point.

11792. Mr. *Edward Egerton.*] As the result of your experience not only upon this occasion, but from all that you have known of Ireland for some time, would it be impossible to conduct elections without the presence of troops to protect the voters?—Utterly impossible.

11793. Do you think that the ballot and additional polling places would not afford sufficient protection?—I do not think that the ballot would be fair, because certainly the Roman Catholic clergy would know, and take action upon the sentiments of the people in the way that no other influences could be brought to bear. I think the increase of polling places would be an excellent measure. It is urged as an objection to an increased number of polling places, that it would give the landlord an undue influence. I do not agree in that, because whether the voters voted against their landlord at the village where they lived, or went to a distance, I do not see that the landlord would have more power over them in one instance than in the other; the landlord would be equally aware of their having voted against him. Or that if a voter wished not to vote, he could not say I will not vote with you directly, as those voters are generally of a better class. I know that in the last elections tenants, in numerous instances, used this language to their landlords. If there had been a polling place at the railway station at Drogheda, the whole of this disaster would have been avoided, for it was nothing but a disaster, to see the people in the state that they were in; really it was more like an insurrectionary movement than anything else.

11794. You are aware that there was a Bill brought in during the last Session of Parliament by the Government, to provide additional polling places?—Yes.

11795. And which was rejected, I think?—Yes.

11796. Mr. *Villiers.*] I think you did not complete your answer with respect to the ballot; you said that it was not fair, because the clergy knew the sentiments of the people?—I mean if you have the ballot in order to leave the mind of the people perfectly free of all undue and unconstitutional influences, that I believe is the reason for advocating the ballot, that there would be equality in that case, because the unconstitutional influences, whether of the landlord or of the clergy, are what are dreaded; and I think that the unconstitutional influence of the clergyman would be exclusively dominant. In short, this precaution of the ballot would have no effect, that the Roman Catholic clergyman, by his knowledge of all the actions and thoughts of his parishioners, would have, and just the same undue influence as he has now.

11797. *Chairman.*] But do you think that if the ballot were in operation in the Irish elections, it would be necessary to employ troops to preserve the public peace?—That I really cannot answer; so many things occur as to a measure that is not in existence with regard to futurity, that it would be rather difficult to say that it would not, but certainly at first sight I would say so.

11798. Do you think that there would be the same amount of rioting?—No, I think there would not, but I do not think that it would increase the purity of election; that is to say, if the purity of election consists in freedom from undue influence.

11799. Mr. *Hunt.*] Do you think that under the system of the ballot persons of known politics would be likely to be attacked by mobs, the same as they are at present, even though they were going to vote by ballot?—It has been argued, and it is a forcible argument against vote by ballot, that a clever solicitor would have the means of buying up the constituencies as they do now, but through the leading man.

11800. What I want to know is this: at present the mob violence is directed against rural voters coming up to vote; supposing that parties of rural voters, whose politics were known, came up to vote under the system of the ballot, do you think they would be attacked by the mob?—Certainly, if the mob had reason to believe, or indeed had any vague idea that they were going to vote hostilely to their views, there is not a doubt that there would be the same violence offered. I think an increase of polling places would be certainly a great step towards freedom from intimidation.

11801. *The O'Conor Don.*] You stated at the commencement of your evidence that General McMurdo had given in a report to you immediately after the Dublin election, which contradicts the statement that he had made before this Committee?—Yes.

11802. I find that the statement alluded to in your answer, is the statement at Question 7545, where he was asked this: "You stated that several cases have come within your knowledge where an inordinate number of troops appear to have been employed, and where there appeared afterwards to have been no necessity;" and he said, "Yes, at Balbriggan, which was one point, where I placed myself, in the county of Dublin election; at one time I estimated that the force of armed constabulary and military exceeded that of the mob at the polling place." Is not that statement substantially borne out by his report; does he not state in his report that the troops were overwhelming?—If you will read his evidence, and then his report, I certainly think, as I said before, that his report contradicts his evidence, in which he comments, generally speaking, upon the disadvantage of employing very large bodies of troops, and cites Balbriggan as an example [*Vide* paragraphs 7545 and 7550 of General MacMurdo's evidence]; whereas, in his

Rt. Hon. Lord *Strathnairn.*

9 July 1869.

his report to me, he praises the arrangements of the concentration of the troops at that place, and attributes "the entire absence of even a disposition to rioting on the part of the people, to the judicious concentration in this part of an overwhelming force." These are General McMurdo's own words.

11803. Does he not state in this report that the number of troops was overwhelming, and that it exceeded the number of the mob, exactly the same as he stated in answer to that question?—But he praises it in his report, and in his evidence he condemns it.

11804. The discrepancy which you see between the two statements is, that he praises the overwhelming force in one case, and he dispraises it in the other?—Exactly.

11805. But as regards the fact of the force being of this overwhelming character, the two statements are substantially the same?—Overwhelming is rather an excessive epithet; but this has nothing to do with the discrepancy between the evidence and the report.

11806. But is not that the word used, not in his evidence, but in his report to you?—All I say is, that he contradicts it.

11807. Does he not state in his report to you, which you gave in, that the presence of an overwhelming force, both civil and military, accomplished so-and-so?—He says so.

11808. And his statement before the Committee was, that the force exceeded that of the mob at the polling place?—Exactly; I can only repeat again, that what he dispraised in his evidence he praises in his report to me; I cannot go from that statement. As you have brought on the subject again, he states as another and a very valid reason of the wisdom of this concentration, or as he calls it in his evidence, an inordinate and overwhelming force, an account of the dreadful occurrences at Drogheda the day before. Information was received by the Deputy Quartermaster General from the Conservative candidate (I must tell you to be perfectly fair, that it was from the Conservative candidate), that a large body of those Drogheda rioters, who only the day before had attacked the troops with such determination and cruelty, were going to transfer themselves to Balbriggan, which is only a few miles, as General McMurdo says, from Drogheda, and therefore nothing was more probable than that so wicked a mob would have carried out so wicked an intention; therefore, he gives a reason in his report why the concentration was inordinate, as he says. We merely differ about the word "inordinate." I should not call it inordinate; I should call it necessary. It was reported that there would be an attack from Drogheda, which was perfectly feasible, because it is only a few miles off; Colonel Taylor, the Conservative candidate, reported to the Quartermaster General, and said that he had received the same information; therefore, Colonel Taylor's evidence perfectly corroborates that of General McMurdo.

11809. You also differ from the statement made by General McMurdo, that the officers in the army understood that the majority of the voters under escort go very much against their own inclinations, and as a proof of that you gave two reasons, first, that no orders to the effect that soldiers were to escort voters contrary to their inclinations had ever been issued; and, secondly, that no report had ever been made by the officers that voters had been so escorted?—My evidence shows my opinions on this subject, but I deny entirely that the troops coerce the voters to go against their will to the poll.

11810. Is it not quite possible that notwithstanding the fact that no order had ever been given to the troops to escort voters against the will of the voters, or that no report had ever been made to you that the officers believed that the voters went against their will, yet still the officers might have believed it?—I really cannot tell what the officers imagined, but there are their orders, and if officers chose to imagine that they are going to carry out anything but their orders, it is a most dangerous principle, and if any officer did so I should reprimand him severely, and never employ him again on that duty.

11811. General McMurdo states simply, that many officers believed that the voters were going unwillingly; are you in a position to contradict that?—I have said that they go unwillingly very often. I said especially that it might be fairly presumed that the Roman Catholic tenants would not share the views of their Protestant landlords, more especially when the influence of their clergy was brought to bear upon them, with the exceptions I stated. I particularly stated that, and I perfectly agree with it.

11812. When officers are sent down to the country with troops, do not they report themselves to the person to whom they are directed in Dublin to report themselves?—Yes, of course they ought to do so.

11813. And if they get orders in Dublin to report themselves to a person who is not a magistrate, of course they would obey that order?—They cannot obey anybody but a magistrate.

11814. But supposing they get orders to report themselves to somebody who is to name the magistrate for them, of course they would obey?—I never heard of such a case.

11815. But if such an order were issued they would obey it, I suppose?—I believe in the case that you suppose, the officers commanding the troops would obey whatever orders he got; but in no case are officers ever ordered to report themselves to any one but a magistrate.

11816. Mr. *Villiers.*] You state distinctly, I think, that the force never act without the authority of a civil magistrate?—No, they never ought to do so.

11817. *The O'Conor Don.*] Do they consider themselves under the command of that magistrate, and bound to do everything that he tells them?—The soldiers consider themselves under their officers; but the officer, of course, considers himself under the magistrate.

11818. If the magistrate or the police officer in the country directed them to prevent any voters from escaping, they would, of course, do so?—I say that that case has never occurred.

11819. Supposing the magistrate or the police officer who is immediately in command of the troops directed them to guard those voters, and bring them safely in to a particular place, would not the soldiers consider themselves bound to do so?—Yes. When you say to bring them safely in, that means to prevent them from being hurt or hindered by the people; but it is a mistaken notion to suppose that the soldiers would prevent a man going off the car, if he said, I do not wish to go any further.

11820. That is your idea; but supposing that such

Rt. Hon. Lord *Strathnairn.*
9 July 1869.

such an order were to be given, "I deliver up to you those voters now, and you will deliver them in such a town;" what would the officer do?—You might find an ignorant officer who might do so; but any man of intelligence would say to a voter, who expressed a wish to go, "Very well; go wherever you like."

11821. In spite of this command from the magistrates?—Yes; because nobody could give that command; no magistrate who was selected to be a resident magistrate would give such an order; it is quite incomprehensible.

11822. You stated that there was a general movement of the troops at the last election; could you give the Committee any idea what the last election cost the country in consequence of the movement of the troops?—No; I inquired, but I did not hear; it must have been a considerable sum.

11823. Sir *Frederick Heygate.*] Those duties of appearing at elections are regarded by the military as extremely disagreeable, are they not?—Very much so.

11824. Supposing the military were not used, do you think that the constabulary in Ireland would be sufficient in number, and able to preserve the peace?—No, I am certain they would not; in fact, every Government has been of that opinion also; they would be only too happy to employ the constabulary if they thought that they would do the duty.

11825. Mr. *Brand.*] I observe that the general orders issued under your authority for the guidance of the troops affording aid to the civil power in Ireland bear date the 2nd of November 1868; were the instructions, having reference to the escort of voters, varied in any way under those general orders?—No, there was no variation in that respect; there was merely a variation about cavalry and infantry, and one or two points, as I said before, relating to attacks of Fenian organisation.

11826. Do I rightly understand that it occasionally happens that the civil authority accompanying those escorts is represented by a sub-constable?—That may be in cases of emergency, where there is not a magistrate.

11827. If any of the voters were leaving the escort, and the sub-constable were to desire the officer in command not to allow the escape of those voters, would not the officer in command be bound to obey the order of the sub-constable?—Certainly not, if the voters said they wished to go.

11828. But supposing the voters expressed no opinion, the officer in command would be bound to obey the order of the sub-constable, would he not?—The officer then would ask the man, "Do you wish to go?" or "Are you afraid?" but whichever it was the man is a free agent and he would go if he chose; the officer has nothing to do with that. If a man wishes to go I do not see that the question could arise, because if the man says "I do not want to go any farther, and I want to go away," the officer knows that he has nothing whatever to do with that man, because he is a perfectly free agent. I cannot conceive of any officer preventing the man leaving the escort if he wished it.

The Right Honourable Colonel J. Wilson Patten, a Member of the House; Examined.

Rt. Hon. Col. *Wilson Patten,* M.P.

11829. *Chairman.*] Have you heard the evidence which has been given relating to the Irish elections?—Yes, I have heard some of it, but not all.

11830. Have you seen copies of the remainder?—There are two witnesses who have been before the Committee whose evidence I have seen, that of General McMurdo, and the Reverend Mr. McDermot. I have heard the Roman Catholic Bishop of Limerick, who gave evidence the other day, and Lord Strathnairn, and Major Percy.

11831. Have any statements been made which you wish to qualify or contradict?—I would first allude to a part of the evidence of General McMurdo, which has been already contradicted by Lord Strathnairn, and I wish to add my testimony to its being entirely erroneous, as far as I can ascertain it to be. General McMurdo states that he considers voters under escort to be prisoners; he states that decidedly, in answer to Question 7516, and to the following Question, 7654, by Mr. Gathorne Hardy, "But I presume that if any one of those persons were to tell the escort, or the commander of the escort, that he wished to be left, he would be left?" his answer was, "No, certainly not." That is so contrary to any directions which General McMurdo can have received that I wish to add my testimony to its being entirely unfounded. Everybody is opposed to the military being employed at elections, and it can only be justified by peculiar circumstances; it could not be justified if the least control was to be put upon the voters under escort.

11832. Mr. *Villiers.*] Has the civil authority anything to do with the orders issued by the commanding officer?—The civil authority only sends a requisition to the Commander in Chief to send troops down to the districts where disturbances are supposed to exist, and those escorts and the officers can only act under orders which they get. There is no such thing as an order to interfere with a voter from any quarter.

11833. *Chairman.*] Is there any order that an officer is not to interfere with voters?—I should think it was totally unnecessary that there should be one. I do not suppose that any Englishmen can believe that where a man is under escort to protect him from intimidation, they are obliged to take care that he does not escape. I cannot believe it.

11834. There is no order one way or the other?—No, there is no order one way or the other. I should think it was totally unnecessary.

11835. *The O'Conor Don.*] What did you mean by saying that this statement of General McMurdo's was so contrary to the instructions which he had received?—I mean by contrary to the instructions, that he has no instructions to that effect. It is merely on his own authority that he undertakes to say that he would not allow a voter to escape. He says that if a person under escort expressed a wish to be left, he would not leave him. General McMurdo says that the opinions which he gives are the opinions of officers of the army; but since I heard of that evidence being given I have taken great pains to ascertain from officers who have been in Ireland whether they were of the same opinion as

Rt. Hon. Col. *Wilson Patten*, M.P.

9 July 1869.

General McMurdo. I may have been unfortunate, but I have consulted a great many, and I have not found one officer who does not deny that to be the case; and some of them express themselves very strongly indeed with regard to it.

11836. *Chairman.*] Are there any other points to which you wish to refer?—General McMurdo gives the Committee to understand that the military are not required, or at least not in the numbers in which they are sent to the different districts. I would refer to his own instructions in answer to Question 7521 to show what his opinion was before he gave his evidence on this Committee. He gives instructions for escorts in the district which he commands, that they are to take entrenching tools, spades, axes, and a cross-cut saw; and I think, in answer to the next question that is put to him, he says that he takes the same precautions as he would in an enemy's country. I think that a General of his experience must have some good reasons for giving instructions of that kind which emanate entirely from himself; those instructions are given entirely by himself to those under his command.

11837. Would you consider that that is inconsistent with what he states?—He is opposed to the military being employed; he says it is unconstitutional to employ the military at elections, but he remarks that, in one case, where an unnecessary number were employed, Lord Strathnairn approved of it himself. The fact is that he himself approved of the number of troops that were sent, and made a report to that effect before he gave evidence here, in which report he said, that he thought that the disturbances at Balbriggan were prevented altogether by the judicious arrangements which had been made with reference to the troops. That was his written report to the Government, and yet his evidence leads one to believe that he considers that the troops were too numerous. He alludes to the troops being more than the crowd that were assembled, and therefore he leads the Committee to believe that there were too many troops employed at that election.

11838. As to the instructions to which you refer, it is possible, is it not, that it might be injudicious to employ soldiers at all, but that, if they were to be employed, such precautions as he ordered should be taken?—Yes; but I think that the orders which he gave when the troops were employed show that there must have been some very serious necessity indeed. It is impossible that such directions as those could have been given if there was not some very serious necessity for them in the country; the fact being that some of the counties in Ireland were in a very disturbed state at the time. I can only say for myself that I was under great anxiety with regard to several of the districts, and that I believe that in no district in Ireland were the precautions taken to keep the peace excessive.

11839. What guided the Government in the directions which they gave to the military authorities for the distribution of troops previous to the election?—Of course, as you know, I had no great experience of the system, but the first inquiry I made was what precautions had been taken by other Governments, and I believe it will be found that the precautions taken by the late Government at the last election did not vary in any respect whatever from the precautions taken by other Governments of every political opinion. I may add that I believe that, owing to the time which elapsed between the dissolution of Parliament and the elections, at no previous elections had the disturbances been so serious, owing to the prolonged agitation that was going on.

11840. Did you receive special reports from each district previous to the election, and were you guided by them in the distribution of troops?—In some cases we had information. We made a list of places where there were to be contested elections. When we heard that the election was not to be contested we immediately withdrew the order for the troops going down; but where there was a contested election we took care that there was a supply of troops ready, in case of necessity.

11841. Special reference has been made to the case of the election in the county of Sligo; do you recollect any of the circumstances of that election?—We had constant reports of what was going on in different parts of that county; it had been in a most disturbed state; the proceedings that were going on at night were very bad; people were dragged out of their beds and maltreated; I have heard it insinuated in this Committee that that was done with the view to give an excuse to parties for not voting. It might be so; I cannot say that it was not in some cases; but I do know that in others those very parties, after they had been so beaten, did smuggle themselves into the polling place and vote for the Conservative candidate. I have that from information upon which I can firmly rely; but I do not at all pretend to give evidence upon the intimidation of the district, for I know nothing except what I have heard from others.

11842. You have heard it stated that voters in that county were escorted from the country into the polling place four or five days before the election; do you think that, under any circumstances, the use of troops in that way could be justified?—That was brought to my knowledge, by a letter which I received from The O'Conor Don. I immediately made inquiries into it, and I called Lord Strathnairn's attention to it under the impression that the escort had been a military one, but I found that it was not; it was a constabulary escort, and I directed an answer; I forget whether I wrote the answer myself or directed it to be written to The O'Conor Don; and I think my expression was that no escort could be justified except for the protection of the voters. I can undertake to say positively that the constabulary force of Ireland at the last election, in no instance, was used to influence an election. There are 12,000 constabulary in Ireland, and in one case only did a constable, so far as I was aware, take part in an election, and he was immediately dismissed under the rules of the force. Great pressure was brought to bear upon me to re-instate him under very peculiar circumstances; but I thought it essential to the independence and character of the force that he should not be re-instated, and I did not do it

11843. Mr. *Villiers.*] Was this statement correct, that voters had been brought in some days before the time of polling, in order to be kept safe for polling?—All I know about that is a letter which I received from The O'Conor Don. I made inquiries into it, and I was informed that an escort went out to bring in those voters, but they did not bring in any. I was only interested as to the conduct of the police force. I had no interest in the election beyond that.

11844. But

11844. But the statement was not correct that they did not bring in any?—I was informed that they did not bring in a single voter.

11845. *The O'Conor Don.*] In that particular instance?—In any instance that I am aware of of a similar nature; if there is any other I do not know it. In the instances that you call my attention to I was informed on inquiry that not one single voter had been brought in.

11846. Mr. *Villiers.*] As I understand, you speak from the result of your own inquiry upon information received? — Yes; the only instance in which it was brought to my attention was by a Member of this Committee. I made inquiry the very day I received The O'Conor Don's letter, and I found subsequently that no one voter had been brought in by that escort.

11847. *Chairman.*] Supposing that no voter was brought in, did you find that the escort was sent out to bring them in?—The way in which the constabulary is managed in Ireland is this, that when an election is to take place a stipendiary magistrate is appointed to take charge of the district, with directions to keep the peace. He has no other directions whatever from the Government, but to look to the peace of the country. The stipendiary magistrate of that district exercised his own discretion in affording protection to voters coming in to the election, and was only subject to the Government if he did wrong. May I venture to make one suggestion? There is a return which has been moved for by The O'Conor Don, and has been presented to Parliament, which gives a very erroneous idea, not intentionally on the part of The O'Conor Don, of the mode in which escorts are conducted. In one column those instances are stated in which no magistrates accompanied the escort. There is no necessity for a magistrate accompanying an escort of constabulary, and it is seldom done. The stipendiary magistrate of the district has the control of the constabulary, and he gives his order for an escort to go out upon any duty. It is a total impossibility that a magistrate should accompany every escort. It appears by that return that there has been an omission of duty; but it is not so.

11848. Let me refer you to this case in Major Percy's evidence, at Question No. 11132. I pointed out to Major Percy a letter signed by N. Lionel Townsend, in these terms: "County Sligo, Tubbercurry, 26th November 1868.—Sir, I beg to inform you that about 20 of Colonel Cooper's voters arrived in this town on last night previous to starting for Chaffpool; but a mob of several hundreds having seen them, put a guard on the house and paraded the streets during the entire night; they made several applications to me for an escort, but owing to the smallness of the force at my disposal, and not having sufficient authority, I declined doing so. The houses are still guarded by the mob, and I fear may be attacked at any moment (signed) N. Lionel Townsend, Third Sub-Inspector. To Major Percy, R.M., &c. &c., Ballymote." Then I asked him, "What did you do on receipt of that letter?" and his reply was, "On receipt of that letter I sent an order to the senior sub-inspector, at Ballymote, to re-inforce Mr. Townsend by a few men, until I could make arrangements to bring them in with one general escort for the whole of the parties." It appears then, that the escort was previously given for those voters who were being sent for on the 26th of November, the election taking place on the 30th; is not that so?—I never saw that case, and never heard of it till I heard it in evidence here.

11849. Do you consider that that was a proper use to make of either the military or the police?—I think that the state of that county was such, that it is quite possible that the electors might wish to be taken in some days previous to the election, to prevent their coming in contact with the mob; but, of course, it is a very strong measure to take voters into a town several days before the election, especially if it is against their will. I presume that it was by their wish, and that they wished to be got into that town before the election to keep out of the way of intimidation; and under those circumstances, I should think it was perfectly justifiable.

11850. Mr. *Villiers.*] But you do not know anything of the case?—No, I never heard of the case before Major Percy mentioned it in evidence.

11851. *Chairman.*] Are there any other statements which were made to the Committee, and which you wish to contradict?—I wish to bear my testimony to the character of the police force in their conduct during this election, which has been rather impugned, I think. It is commanded by Colonel Wood, and I can only say for Colonel Wood that I was in constant communication with him during the elections, and I am quite sure that not only his inclination, but his determination, was that the police force should not be used in any way whatever on one side or the other, politically; and, as far as he himself is concerned, though I was in communication with him for three months, I left Ireland without the slightest idea of what his own political opinions were. He showed me his directions for the police force, and I venture to say that every effort to prevent the police taking part in those elections was made. When the Duke of Abercorn left Ireland he felt it his duty to compliment the police upon that particular point; and, in his address to them, he stated that if they wished to maintain the high character which they enjoyed in Ireland, they had only to pursue the same course; or something to that effect.

11852. You have heard it stated, have you not, that an impression exists among the Roman Catholic voters that the distribution of the military and police was intended by the Government for purposes of coercion?—I heard that stated, and I am not at all surprised that such an impression should exist to a certain extent; nothing irritated me so much during those elections as to see the endeavour that was made to instil that idea into the minds of the people. During those elections I scarcely ever took up a local paper in which I did not see some speech or other made, either by a candidate or the supporter of a candidate, impressing the public with the idea that the troops were used for the purposes of coercion. I, of course, felt that very strongly, because I was confident that the greatest possible pains had been taken to prevent any such influence being used.

11853. However erroneous the impression may be, was it altogether an unnatural one?—I think it was a very natural one. When educated gentlemen at public meetings instilled it into the minds of the people, a great many of them being uneducated and very impressible, as the Irish

Rt. Hon. Col. *Wilson Patten*, M.P.

9 July 1869.

nation is, I think it is quite natural that such an impression should be made upon them.

11854. Do you attribute that natural impression to the instigation of the candidates or their friends?—I do not think that the impression was natural on their part, but simply because such very great pains were taken to instil it into their minds.

11855. You think that without its being put into their heads it would not have occurred to them?—I cannot interpret their feelings, but I certainly think that such a feeling could not have existed to any great extent unless it had been instilled into their minds by others.

11856. Without meaning the slightest imputation upon the Government, did not the people see that the troops, when they were used, were used entirely on one side?—That is a most erroneous impression. The troops are used on one side, just according to the state of the district in which the troops are. What Lord Strathnairn has stated is perfectly true, that in certain parts of Ireland they were used on the Liberal side, and in certain other parts they were used on the Conservative side, simply from the unfortunate state in which Ireland is, and from the parties being so divided. Wherever a political party is in a minority, military protection is asked for, whether the party is Liberal or Conservative.

11857. Could you give any instances in which in any part of Ireland military escorts were employed for the protection of other voters than Conservatives?—I should not like to give the exact facts; I think it would tend to no good at the present time, but I can say this, that the application for military assistance that gave me the most anxiety was one made from the Liberal side. There were circumstances connected with that which gave me great anxiety.

11858. And the troops were given in that case?—The troops were given.

11859. Mr. *Villiers.*] I think you said that it was the candidates or the friends of the candidates who had instilled this erroneous notion into the minds of the people?—I judged so from the local papers. I very seldom took up a local paper in which I did not see an instance where some person or other had instilled into the minds of the electors that the troops (always the troops, but sometimes it was even the constabulary), were employed to influence their votes.

11860. I think you said that it was the candidates, or the friends of the candidates, did this, showing that at least one of the two parties did not appreciate the protection that you intended to give them?—Yes.

11861. *Chairman.*] Have you reason to believe that the country voters in Ireland are permitted, as a general rule, to vote in accordance with their own wishes?—I should decline to go into that at all. I had so very short an experience in Ireland that I could not give evidence which would be worth having upon that point. I only wish to speak to whatever concerns the Government.

11862. In the representations which you received from the county of Sligo, was it represented to you that the voters who desired to vote for the Conservative candidates could not safely come in and give their votes, or was it represented to you that the landlords could not bring in their tenants without protection? — Representations came in from a variety of sources, as far as my memory serves me. A great many election agents stated that parties could not come in safely, and we had representations from the magistrates to say that the district was in so disturbed a state that they must have protection. I think in one or two instances I had memorials signed by various magistrates, saying that they must have additional protection to that which was given before.

11863. Mr. *Villiers.*] Is there any other erroneous statement which has been made which you wish to correct upon this occasion?—I see that the Reverend Mr. McDermot states at Question No. 8551, that an escort went a roundabout way; and he is asked why they went roundabout and he says that it was "for display." That would have been perfectly contrary to the duty of the police. It was a police escort; it was not a military one; and unless very ample reasons had been given to the Government for their going round, and particularly if it were for display, very serious notice would have been taken of it.

11864. You say that no such order could have been given, but you do not deny that the thing took place?—The thing took place as you heard from the magistrate who conducted the escort, namely this, he did it to avoid a town where he apprehended great difficulty from turbulence, and he went round to avoid that town. If he had done it for any other reason, notice would have been taken of it.

11865. I thought it was for display?—The Reverend Mr. McDermot said that it was for display.

11866. *Chairman.*] From your experience of the last general election in Ireland, what is your opinion, or have you formed any opinion respecting the employment of troops in Ireland at elections?—I have the same opinion that every Englishman must have, that it is odious to employ troops, but I do not see how you are to avoid doing it in the present state of Ireland. It would not be right here to refer to a speech in the House of Commons, but if it was not improper I would refer to Mr. Chichester Fortescue's speech upon the Party Processions Act the other day; it is the very best description of Ireland I ever saw given in a few words. The purport of it is that parties in Ireland, are organised, and not only organised, but recognised, and they meet and conduct their political operations by processions, and almost by forcible processions; and I do believe that it is impossible as long as that feeling exists in Ireland, that you can conduct an election without military assistance, or, at any rate, without increasing the police force very materially.

11867. Have you formed any opinion as to what would be the effect of the ballot in Ireland?—I have not come here prepared to give my opinions upon the ballot generally, but with regard to Ireland, I will state frankly what I feel about the ballot. With regard to what Mr. Chichester Fortescue stated with reference to parties in Ireland, I do not believe that the ballot would have the least effect whatever. All parties are known and recognised; they meet in hostile array, and whether there be the ballot or not, the Roman Catholics know that the Orangemen vote in one way, and the Orangemen know that the Roman Catholics vote in another way; and they oppose one another coming to the polling places with that knowledge, which would not be affected at all by the ballot. I would give as an instance of that, the Drogheda case. There was no landlord influence there, and there was no other

other influence but party influence. The evidence at that trial, and which was given partly by Roman Catholics, was that the evening before the election three priests addressed a meeting, and told them that the Orangemen were coming in the next day, and that the Battle of the Boyne was to be fought again if necessary. The next morning a party arrived of gentlemen who were no Orangemen in a hostile sense, and I know that because one or two of them came to the office afterwards to complain to me. They were clergymen, medical men, barristers, solicitors, and others; and when they came in under escort, they were met by the mob as Lord Strathnairn described. It was a positive fight, and the opposition to those men was simply on the ground that they were Orangemen.

11868. Do you think that the introduction of the ballot in Parliamentary elections would not put an end to physical fights between Orangemen and Ribbonmen?—I think not, certainly.

11869. Were there any Orangemen in the county of Sligo?—There is a Protestant party in the county of Sligo, as I understand, but there again I must speak with great reserve.

11870. Was there in the county of Sligo anything of the same character that you described as existing at Drogheda?—Yes; I speak rather off book, but I believe that in every county in Ireland there is a Conservative party, and that party is thoroughly recognised by the opposite party; and it is known that they always do act in one direction. Generally speaking in the south of Ireland the Conservative party is in a minority, but in the north of Ireland it is in a majority.

11871. Does not that Conservative party usually consist of landlords?—I think not. I think there is a strong Conservative party in several towns, but I would rather not give evidence upon this point, because I am speaking without any certain knowledge.

11872. However, you have had your attention called, have you not, to a question of Sir George Grey's, as to what effect the ballot would have had in that election?—I think the parties were organised, and it was known which way they were going to vote, and that they would have been stopped.

11873. With regard to those Roman Catholic voters who were brought in under escort by their landlords, do you think that it was certain that they would, with the ballot, have voted with their landlords?—I think that the noble Lord himself knows that in another part of the country in which we have been engaged, I mean in the election for North Lancashire (although the state of the case was certainly different in Ireland from what it was in England) a good many Roman Catholics voted for me who were acting entirely without compulsion or influence of any sort or kind, and acting upon the highest principles. The great majority of the Roman Catholics voted for my opponent, but there was a degree of independence on the part of a number of most intelligent Roman Catholics, and upon the highest principles of policy they voted for the Conservative candidates.

11874. Mr. *Villiers.*] Has that any bearing upon the elections in Ireland?—I do not see why the same feeling should not exist in Ireland as exists in other countries. I will undertake to say this, that when I first went to Ireland, in talking to Roman Catholics, I found that there was a very strong feeling amongst very intelligent Roman Catholics against disendowment; and if I were at liberty to give the names of the parties, I am sure that they would be recognised as persons of very high intelligence.

11875. *Chairman.*] Do you think that under the protection of secret voting, those voters in the county of Sligo would have been attacked by the popular party, as it was apprehended they would be in this case?—As to individuals, of course I cannot answer; but as to parties, certainly; Ireland is so divided into parties, and parties are so well recognised, that the same feeling would be exhibited whether there was the ballot or not; that is my impression.

11876. Do you believe that a party of Catholic voters, coming in from the country to vote under the protection of the ballot to the polling place, would be, under the ballot, liable to be attacked by a hostile mob?—I do not know enough of Ireland to give a good opinion upon that; I should say that if the mob felt that those parties had a feeling towards their landlords, and were likely to vote for their landlords, it would be the same either with the ballot or without it.

11877. Mr. *Villiers.*] There would not be the same object for breaking a man's head before he voted that there is now?—No; but I would rather not go into that question.

11878. *Chairman.*] I think you were about to say something further about the ballot?—I happened to be in the room when the Roman Catholic Bishop gave his evidence the other day, and I think he proved most decidedly, that the ballot would not be advisable in the direction to which he alluded.

11879. Do you mean that the ballot would increase the influence of the priests?—I think so; from what I heard of the evidence of that Roman Catholic Bishop, I thought that that was pretty clearly shown.

11880. Do you think, on the whole, that the ballot would not increase the purity of elections in Ireland?—I would not say that it would not increase it; I do not think it would lead to pure election.

11881. But might it not promote tranquillity?—It might; but if you are to have the ballot in Ireland I think you must really educate the people, and get them into a state in which they are more able to judge independently for themselves than they are at present.

11882. Mr. *James.*] I suppose you agree in thinking that the military ought not to be used if it can be avoided, and ought only to be used in case of probable riot?—I think that the use of the military at elections is very objectionable, if it can be avoided.

11883. In the absence of the civil officer that you spoke of, what protection would the military have for their acts any more than private individuals?—That is a legal question which I am not able to answer.

11884. If there were not a magistrate there what power have the military to act more than 100 Odd Fellows or 100 Foresters, or any other number of individuals that happen to be banded together?—When I said that it was impossible to have a magistrate present, I said it was impossible to have a magistrate present with every escort that was sent out by the constabulary; the resident magistrate is in charge of the constabulary of the district, and he sends out a

Rt. Hon. Col. *Wilson Patten*, M.P.

9 July 1869.

detachment of them whenever and for whatever he thinks proper; but troops do not act without a magistrate.

11885. I presume you would think it very inexpedient for troops to be acting as a body without having a civil officer with them?—Yes, certainly; I am not aware that that ever occurred; I believe the troops, as troops, always act under the direction of the magistrates.

11886. The constabulary are civil officers and the troops are not?—Yes; an officer of constabulary is a civil officer, and can himself call upon the troops to act if he is in difficulties.

11887. Mr. *Raikes.*] In case the polling places were made more numerous in Ireland would not the necessity of those military escorts be very much done away with?—I do not think there is anything upon which there is greater unanimity of opinion, as far as I can make out, in Ireland, than that an increase of polling places would be the best course that could be taken under present circumstances. There were instances brought to my notice of escorts that had to take voters through a district of 20 miles, that district being disturbed. I think General McMurdo, in his evidence, says, that on one occasion the distance was so great that he had to order a relief of escorts; I think he said it was 23 miles that he had to conduct the voters to the poll; and of course that makes it a very serious matter, especially in a disturbed district. In my opinion the best step that could be taken in Ireland would be to increase the number of polling places.

11888. *The O'Conor Don.*] How long were you in Ireland?—I think I was there three months.

11889. I suppose you were quite new to the duties of secretary?—Yes.

11890. And you were not very well acquainted with Irish affairs before?—Quite so, except that I had been in Ireland. I was only acquainted, as far as I could collect information, as a traveller through it.

11891, You were not in Ireland, I think, at the time that I made complaints with regard to the use of the civil force at the Sligo election?—I think I was; I am not quite sure; but I made instant inquiry on the receipt of your complaint.

11892. As a fact, you were not in Dublin when I called at the Castle; you were in England, attending to your own election, were you not?—Very likely; I had to go over very often.

11893. Was it not a fact that it was brought under the notice of the Government upon the 23rd of November, that the belief at least existed in the county that the civil and military forces were being used to coerce voters?—It was well known to the Government the whole time that such an impression was being made upon the electors.

11894. Were any instructions issued to the resident magistrates and others not to send out escorts to carry in voters into the town, as was represented to the Government was being done on the 23rd of November?—The orders from the Government were that escorts were to be used simply for protection, and nothing else.

11895. Then were special instructions sent down to the stipendiary magistrates?—I presume so; it would go through Colonel Wood.

11896. You heard Major Percy's evidence the other day, did you not?—Yes.

11897. You heard him distinctly state that he received no particular instructions with regard to the county of Sligo election?—But the resident magistrate never does; there are no instructions ever given. The resident magistrate merely gets his orders to go into a district and preserve order there. There are no other directions given to him.

11898. But it was represented to the authorities in Dublin that a system of escorts was being carried out in Sligo 10 days before the election, and that the voters were being carried in at this long date before the election, and those representations being made the Government was asked to issue an order to prevent it; was any such order issued?—I would not have issued such an order on any account. I should have been taking upon myself the responsibility of saying whether those men wanted protection or not, I being at Dublin and they being at Sligo.

11899. Do you consider that cases might arise where it might be necessary to escort voters in, 10 days before the election?—I think that 10 days is a long time; but I can easily imagine that a county in Ireland, might be in such a very disturbed state that people wishing for protection would like to get in to the polling town previous to disturbance, which is a very common thing on the polling day.

11900. But not so long before as 10 days?—As to the number of days, if my memory serves me right, the honourable Member's letter to me did not state 10 days. I think it was from the Tuesday to the Friday, if I recollect rightly.

11901. In my first letter to you I stated that an application was made on the 20th, and that the polling was to be on the 30th, that would be 10 days?—But is the honourable Member sure that the escort went out on the 20th?

11902. No. I am not referring now to the fact; I am merely asking you whether a statement was not made to the Government that an application for an escort had been made 10 days before the election, and whether the Government in consequence of that did not consider it necessary to issue some instruction, directing that such should not take place?—Nothing would have induced me to have issued such instructions as those. I should have been taking upon myself to decide the question, whether it was right or wrong, which I would not do. I think if the honourable Member has the letter which he received, it will show exactly what the feeling of the Government was.

11903. The answer is this, "I am directed by the Lord Lieutenant to acknowledge the receipt of your letter of the 23rd instant, and to state that your communication having been laid before the Attorney General, he has expressed his opinion that magistrates are justified in giving military escorts on information that breaches of the peace, or danger to life or property, are apprehended. I am to add that his Grace cannot give instructions concerning what has been done without more definite information"?—I think that that is a common sense answer to such a letter.

11904. But, as a matter of fact, it appears from Major Percy's evidence that escorts were sent out without any information that breaches of the peace or danger to life or property were apprehended?—I know nothing of that.

11905. You heard Major Percy state that, did you not?—I do not recollect it; it may be so. If he stated it of course it is so.

11906. Major

11906. Major Percy was summoned here, was he not, upon your suggestion?—I suggested that one of three magistrates from that district should answer the evidence that had been given in this Committee.

11907. Did you not suggest Major Percy by name?—Yes, I suggested him and two others, and that one of them should be brought here.

11908. Major Percy, whom you suggested should be summoned, stated that he considered it a sufficient justification to send out an escort if an election agent asked him?—Of course if that is the custom I can easily imagine that that would be justified. It depends upon the state of the country, of course.

11909. Supposing that to be the state of things in the country, do you wonder, irrespective of any speeches that were made that people should imagine that the police and military were being used on behalf of the landlords?—I can quite imagine that; I think it all depends upon the state of the country. The state of Ireland is so unlike any other at the time of an election. It is in a very disturbed state; there is such intimidation going on on all sides that I think you must leave it to the parties on the spot to judge how far they can protect themselves; and if people are dragged out of their beds at night by marauding parties going round and pulling them out of bed and ill-treating them, I can imagine almost any steps being taken to protect them under such circumstances.

11910. Did you hear Major Percy's evidence with respect to those outrages by night?—Yes.

11911. Did you hear him state that, in very many instances, he believed the people were what he called "humbugs"?—I believe he said that it was so in two cases.

11912. Did he not state that in other instances he thought they were humbugs?—I can only say that they were not all humbugs by any means People were a great deal too much maltreated to leave any doubt upon the point.

11913. Was there any serious injury done to anyone in that election?—I am told so.

11914. I am not referring to the borough or the unfortunate death of Captain King, but could you mention any single instance in the county of Sligo, outside the borough, in which any person was seriously injured on the Conservative side?—I believe there were many instances, although I cannot now call them to mind, and that was one of the reasons why we sent so large a force down.

11915. Was there a single person tried for any offence of that description?—I do not know; I am not acquainted with the fact, and, therefore, it would not be fair evidence; but, I think, certainly that it was so.

11916. You cannot mention any instance or give the name of any person who had been seriously injured in those night marauding attacks to which you have referred?—Individual names I cannot give; but I am quite sure that instances were mentioned, and Major Percy himself mentioned a case where they had sacked the house and had almost pulled down the house, and had broken all the furniture. That is rather a strong measure.

11917. But are you aware that it has been stated before this Committee that in some instances the occupants of the house wished to have their property seriously injured in order that it might be a proof to the landlord that they did not dare to vote as he wished?—I look upon that as quite an exceptional case. I suppose that the honourable Member wishes to argue that the county of Sligo was not in a very disturbed state, and great intimidation going on.

Rt. Hon. Col. *Wilson Patten*, M.P.

9 July 1869.

11918. Certainly, I mean that it was not to the extent represented?—Then I have a very different opinion.

11919. I was in the county of Sligo the whole time, and you were not; therefore, am not I in a better condition to know the condition in which the county was?—I could not discuss that. I believe that you were very actively engaged on behalf of one of the candidates, and I suspect that my opinion is quite as independent as yours, with great submission.

11920. At all events, you cannot name an instance in which anyone was seriously injured?—I have not had the means of knowing individual instances.

11921. Were there no records of these offences kept at DublinCastle when you were Chief Secretary?—I believe that there were. The thing that strikes me most, is the case where a man had been pulled out of his bed, and well licked and well frightened, and made to swear on the Bible that he would vote for the Liberal candidate.

11922. When you say he was well licked, was he laid up because of his licking?—Of course I cannot tell that.

11923. You cannot give the name of that person?—I cannot from memory. I believe his name was given, but I am not sure how that may be.

11924. Major Percy gave a particular case where a man was dragged out of his bed, and stated that he was beaten, and this person's name was Tighe, the brother of the parish priest of Ballymote; but Major Percy stated that he considered that the case, upon examination, was not borne out, and that the man was a humbug?—Whatever Major Percy said, I will undertake to say was true. Those are quite exceptional cases, and do not at all exemplify the state of the county of Sligo.

11925. I only want to have it upon the evidence that you are not in a position to state any particular instance in which serious injury was suffered by anyone in that county?—I am only unable to state that, because I have not the materials upon which to make the statement; but that we had representations made that people were very seriously injured, I am perfectly certain.

11926. You stated that educated gentlemen instilled the idea into the minds of the people that the force of the country was being used against them; do you believe that those educated gentlemen believed those statements that they were making?—Of course I cannot.

11927. But supposing that educated gentlemen came to that conclusion, do you think that there would be any wonder that the people themselves should imagine the same thing?—But the honourable Member must know that at the time of a contested election statements are made at random, and that every argument is used to induce people to take a particular view. I am sure I know of few instances where that was the case, more than in the contest for the county of Sligo.

11928. I think you stated that you are not aware yourself of any other cases in which

Rt. Hon. Col. *Wilson Patten*, M.P.

9 July 1869.

escorts were sent out, except that particular one to which I called your attention?—No; the only time that I had my attention called to it was by the honourable Member himself, and then I took the steps which I have described.

11929. There was no investigation into that until the 4th of December after the election was over?—No, I did not hear of any other case of that particular kind; in fact, I did not hear of any case of that kind, except that which was brought to my notice by the honourable Member himself.

11930. You stated that you were aware yourself personally of instances in which persons smuggled themselves into the polling places, and voted for a Conservative landlord?—Of that I have been informed since.

11931. When you speak of being smuggled in, were such men not escorted in by the police and military?—No, they got in by stealth, so my informant told me.

11932. Sir *Frederick Heygate.*] You have had great experience in English elections, have you not?—No, I have only had the experience of one contested election.

11933. What is the great difference between elections in England and those in Ireland?—I think it is the state of Ireland. Ireland is in a very peculiar state, the causes of which it is not necessary to go into now. But the state of Ireland is quite different from the state of England, especially at the time of a general election.

11934. Do politics run higher, or are the people more excitable?—I think there are a variety of causes for it. Politics run very high, the parties are more defined, and they are more organised. There are the Roman Catholics forming the majority, and there are the Orangemen, and the Protestants as a body forming the minority. All the distinctions are very strictly defined, and they entertain very strong views.

11935. In fact, it is generally a religious question, and not a political question?—Yes, I think that religion has more to do with politics in Ireland than it has in England.

11936. Do you think that an Irish election could be conducted as an English one?—There are instances of it. We had instances where we withdrew the troops because we believed that the elections were being conducted peaceably. I would not, upon any account, have sent troops knowingly to an election where disturbances were not apprehended. I should not have been justified in doing so.

11937. We know that you have a strong objection personally, as an Englishman, to employ troops at an election; but what would have been the consequences if no troops had been employed?—I think that there would have been great riots in certain places.

11938. Could not the constabulary have kept the peace?—No, there are 12,000 constabulary in Ireland, and they are divided into small parties all over Ireland; they have duties to perform in every parish and in every townland, and when all the elections were going on at the same time, you could not have got together any great force of the constabulary.

11939. Is not this the great difference, that in England the great bulk of the people always take the part of the law, but that in Ireland they are either indifferent to it, or go against it?—I would not say that; I think that the Irish are a very impulsive people, and they act upon impulse a great deal more than the English constituencies do.

11940. Is there any class in Ireland, so far as you are aware, that would take the part that is taken here by special constables, in the case of a riot?—I have too little experience of Ireland, to be able to give an opinion upon that point.

11941. Can you inform us what is the usual law, as to the number of polling places in Ireland?—I am not certain about that.

11942. Do you consider yourself as Chief Secretary, responsible for all the acts of the resident magistrates?—I think that the Chief Secretary represents the Irish Government, and I think that if any resident magistrate misconducts himself the Chief Secretary would be obliged to represent it to the Lord Lieutenant.

11943. You receive strict reports, do you not, from the resident magistrate as to what he has done?—Yes; the resident magistrates report to the Irish Office in Dublin anything that is of consequence; the constabulary report to Colonel Wood, the head of the constabulary, anything that they do; and a good deal of that which the O'Conor Don has referred to, would naturally go to the head of the constabulary, Colonel Wood.

11944. Did you receive any complaints against the conduct of those resident magistrates that were employed during the elections?—No; by-the-by my impression is that one of the witnesses gave it as his opinion, that the majority of the resident magistrates were Conservatives, and it rather surprised me; I believe that it is directly the reverse; that the great majority of the resident magistrates are Liberals; and it so happens that when I was in Ireland nearly all the chief incidents that occurred, Ballicohey, Drogheda, and others were under the guidance of Liberal magistrates; the Drogheda case was under the magistracy of Mr. Talbot, who, I believe, is not only a Liberal, but a Roman Catholic.

11945. Is there any selection of those resident magistrates, or do you take them by any order of rotation?—You send them just as you can get hold of them. At the time of a general election, you have really great difficulty in appointing magistrates to their places. I think that in the county of Sligo, if I recollect rightly, we sent down three resident magistrates. In the county of Monaghan, where there was not afterwards, I think, a contest, we had to send three. I think there are about 70 altogether, and we had to divide them throughout Ireland.

11946. You probably took those who were unemployed at the moment?—Yes; but I think that at the last election they were nearly all of them employed.

11947. I need not ask you whether you would select any resident magistrate on the ground of his politics, even if you knew them?—No. In point of fact, I knew so little of their characters that it would have been useless for me to entertain that question. I was obliged to rely upon the advice of others; but I do not think that any political feeling had anything to do with the appointments.

11948. Mr. *Leatham.*] You said that the ballot ought to be preceded by education in Ireland, in order to enable the voters to form an intelligent opinion before they voted under the ballot; do you think, therefore, that open voting is salutary, when the voters have not sufficient education to form an opinion?—I do not mean that that follows as a matter of course; but I do think that

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in Ireland, as far as you could carry it, better education is a very great necessity.

11949. Then, do you think that the pressure which is brought to bear upon them under open voting, and which induces them to vote contrary to their unintelligent opinions, is a salutary thing?—No, I do not say that at all. I think that with very uneducated parties, the influence of educated parties upon them, perhaps, is not objectionable.

11950. Mr. *Brand.*] I do not wish to ask you your opinion upon the ballot generally; but do not you think that the adoption of the ballot would tend to promote tranquillity, at least in the Irish elections?—I do not think so at all; I think that parties are so recognised, one party recognises the other as a party, and they act so openly, and in such a manner, that I do not think that the ballot would have any great effect upon them.

11951. *The O'Conor Don.*] Is that your opinion with respect to the whole of Ireland?—I could not say that; I think that what I saw most of was in the disturbed parts; my attention was chiefly turned to the disturbed parts, and the causes of those disturbances. Rt. Hon. Col. *Wilson Patten*, M.P. 9 July 1869.

11952. Is it a fact that in the three provinces, the west, the south and the east, there are those two recognised parties that you allude to, or is it not the fact that that state of things is confined to the north?—I think not confined to the north of Ireland; I should say that in Dublin the parties are thoroughly recognised, and in several other districts; I should say that in Limerick there are two pretty well defined parties, and in Cork there are two parties pretty well defined; there is, of course, a very great majority on the one side, but the parties are all well known.

Sir COLIN BLACKBURN, Knight; called in, and Examined.

11953. *Chairman.*] YOU were one of the Judges who were engaged in the trial of Election Petitions?—Yes, I went to eleven places where there were petitions; two of them were merely scrutinies, and there were nine where the question was whether there had been corrupt practices or not. Sir *C. Blackburn*, Knt.

11954. You have read, have you not, the evidence which was given before this Committee by Mr. Baron Martin and Mr. Justice Willes?—Yes, I have seen a copy of the transcript, and have read it.

11955. Do you agree generally in the purport of the evidence which was given by them?—I can hardly say that; I should say, first of all that I had no knowledge whatever of elections beforehand; I never was a candidate for any place, and never held a brief in an Election Committee, so that all that I know about elections has been derived from what has been presented to me in those particular places, and I hardly think that that experience is enough to enable me to express any opinion at all upon what the general conduct of elections is in the country; the impression left upon my mind from the places that I went to, was that each individual place had its own peculiar manner of conducting its election, and that the rest of the country probably differed a good deal from them, that there was a material difference between an election at Staleybridge or in any of the Lancashire boroughs, and an election at Bridgwater or Taunton or the other Somersetshire boroughs.

11956. As a matter of fact did you come across any case where any corrupt practices had very extensively prevailed?—Yes, at Bridgewater it had extensively prevailed, and on my report there has been a commission issued.

11957. Was there bribery at Bridgewater?—Yes. At Stafford I was convinced that it was a very corrupt place, although the evidence convinced me that it was materially lessened, owing principally to the merits of one of the candidates, Mr. Pochin, whom I was obliged, much to my regret, to unseat, upon another reason entirely distinct from corruption; but I was convinced that it was a very corrupt place indeed. In other places there were a certain number of corrupt voters, undoubtedly, and a certain quantity of corruption was alleged; but there was no other place where I could say that the place was decidely corrupt.

11958. Did it appear that drinking or treating also prevailed extensively?—Yes; at Bewdley the treating was very extensive, at most of the places there was a good deal of drinking, and of course imputations were made as to this treating; but, except at Hereford and Bewdley, there was no case of treating made out to my satisfaction. I mean treating in the sense that I understand the Corrupt Practices Act to require, namely, the giving of meat or drink by some agent of the candidate, for the purpose of influencing the votes. I do not think, as I construe the Act, and I believe everyone else has construed the Act, that the mere giving of meat or drink in itself amounts to treating, so as to vacate an election, it must be given with that corrupt intention, which of course is a matter that is difficult to prove, sometimes it may be proved and sometimes not.

11959. Did the evidence in any case appear to you to show that though the treating was not corrupt the election was attended with a great deal of drinking and so on?—In no case. There was a good deal of drinking in one sense, but not to such an extent as would at all bring it within the principle which I understand to be pretty well established, that though you do not bring the corrupt practice home to the agent of the candidate, yet if you are satisfied that it showed that the election was not a fair and free election the seat should be vacated. No case amounted to that in any that was brought before me, I take it to be a question of degree, and no case came to that degree which I should have thought right to bring within that principle.

11960. Did any case of intimidation come before you?—Intimidation was alleged in every one of the petitions, I think; but there was no case in which it was made out, except at Stafford, where, as I said before, I had to unseat one of the candidates, Mr. Alderman Pochin, who had been quite free from any corrupt practice, but I had to unseat him because I was convinced that his paid agents instigated the mob to beat and terrify back electors from the poll.

11961. That was the only case of intimidation which was proved before you?—The only one

Sir *C. Blackburn*, Knt.

9 July 1869.

that was proved before me; but there were several that were alleged.

11962. And that was intimidation by a mob?—Yes, that was intimidation by a mob; there were several that were alleged, but I think they all came to nothing; they were very little cases, saying that a master influenced his servants; but they all came to nothing, except one which was at Oldham, where, upon taking the scrutiny, it appeared to me that a master manufacturer (I have forgotten on which side he was) had gone round amongst his men before the election with his overlooker to inquire how they were going to vote, to an extent which convinced me that he was not leaving his men free, and there were two or three votes struck off on one side or the other, I do not recollect which, upon that ground; but except that case, no case of intimidation was made out to my satisfaction.

11963. Are there any other observations which you would wish to make to the Committee upon the evidence which was given by the other learned judges?—Of course during the whole of the cases my attention was concentrated, I may say throughout, upon the bearing upon the particular cases of the Corrupt Practices Act, which governs most of them, and the only good that I could do the Committee would be to point out some things in which I think the law might be removed from difficulty, rather than indicate any way of removing it. It is rather in the nature of making a speech than delivering evidence perhaps, but I will do it as briefly as possible. The Committee must remember first, that in the Corrupt Practices Act, as it stands at present, there is a distinction made, that some of the things, bribery and treating, and intimidation and undue influence, as it is called in the Statute, are made grounds, not only for more or less severe penalties, but also for avoiding the election. Then there are other things, such as giving meat or drink to a voter on the nomination or the polling day, for the purpose of influencing the voting which is made subject to a penalty of 40*s.*, but do not avoid the election; and what is of more practical consequence, there is an obligation to return the election expenses, with the vouchers. It is made a misdemeanour, in express terms, if the member pays anything except through his election agent, and it is by implication, though not in express terms, made a misdemeanour and liable to a penalty, to disobey the Act, and not to return the expenses or not to return the vouchers when they ought to do it. However, that is made a misdemeanour, and punishable at law, but it is not taken to avoid the election. All my experience has certainly led me to the conclusion, and I see that Mr. Baron Martin and Mr. Justice Willes state the same thing, that men disregard those penalties, that they are not deterring at all; and they very justly think they will not be put in practice; no one will sue them for penalties, no one will indict them for a misdemeanour, and they produce no effect at all. But, on the other hand, where the penalty is the loss of the seat it has a very great effect indeed in deterring. I saw that repeatedly in cases of treating; men boldly enough did a variety of other things, especially in not returning election expenses, and they avowedly broke the Act of Parliament without the slightest regard to any consequences; but in cases where there was any treating practiced it constantly came to this: people came round the candidate or his agents when they were canvassing in a public-house, and said, "Give us something to drink," but the constant answer was, "I cannot, I dare not do it; if I give you the least amount of drink it will upset the election"; very likely to some extent that has been done by the candidate with a view to save himself from expense, but it has had that practical effect. I am convinced you must start with that in any scheme, that the only really deterring penalty will be, the loss of the seat, and nothing else.

11964. Did any question connected with municipal elections come before you?—Very slightly; I cannot say that absolutely nothing came before me in that way, for there was, both at Hereford and also at Hastings, an allegation that there had been bribery or treating on that principle at the municipal election; but the defence was, that they were not treating with any reference whatever to the Parliamentary election, but with reference to the municipal election. As you are aware that the two elections this year happened to fall very close indeed to each other, and in that way the municipal election came in in both those cases. It was suspicious their coming so close, but it was not made out to my satisfaction that the bribery was intended for Parliamentary bribery; that was the only way in which the municipal elections came before me.

11965. Has the law relating to corrupt practices at municipal elections ever come under your notice?—I do not think it ever has.

11966. I believe that in the case of municipal elections there is no provision, or no provision which is easily worked, by means of which a seat corruptly gained can be avoided?—No; I should think not practically. You might, no doubt, have a *quo warranto* in the Court of Queen's Bench to question the seat, on the ground that there were many corrupt votes, and you might ultimately succeed in a trial before a jury upon that; but by the time you had done so, in the ordinary course of things, the tenure of the municipal office will be up, or nearly so, and the expense great, so that I do not think that there is, practically, any remedy.

11967. The effect of the evidence which you have heard has been to show that proceedings are very seldom taken on account of any corrupt practices at municipal elections?—I do not remember any.

11968. Should you think that that is partly on account of there being no sufficient motive to put the law in motion?—Doubtless, a great deal.

11969. And that would rather confirm what you said with regard to Parliamentary elections, would it not?—I should expect that it would have some effect, only that my attention has not been called to it. As regards Parliametary elections, as far as my experience of the 11 trials goes, I should say that, practically, it does have that effect.

11970. Do I understand that you would recommend, that if Parliament wishes to check those practices, the only lever which it can work with is a legal provision by which the seat shall be lost?—Of course that would be the practical effect; but I should not like, by any means, to say that you are to make everything a cause of losing the seat, because if you introduce too many particulars, and oblige a judge, when he is satisfied, to adopt the harsh and rigid rule of saying this or that must vacate the seat, the judge would then be obliged to unseat Members in a way that would be felt to be frivolous and vexatious;

tious; the feeling of the country, generally, would not go with him, and I think that it would be very inexpedient to make everything a ground for unseating a member; but as far as my experience goes, I do not think that anything else would have the effect of preventing those corrupt practices. The thing that has struck me as the most effectual of anything that has occurred to me in the nature of a suggestion, indeed the only improvement in the law that has practically occurred to me, would be this; leaving the direction that the expenses shall all be paid through an agent as they are now, and requiring that they should be returned, and that the vouchers should be filed as they are now, I would add this, and say that the period for petitioning should be extended until after those returns have been made and published. At present the law is, that the petition must be within 20 days after the election, and the return of the accounts is not rendered obligatory until two months after the election, and of course the disclosure then comes too late. Probably two months is too long a period, and I would shorten the time, but I would make it the law that the period for petitioning should be extended till after the return of the accounts; and, what I think is even more important, I would make it a substantive ground for unseating a member if he or his agents wilfully kept back any vouchers or any expenses which they had incurred or spent.

11971. What would you do in the case of charges *bonâ fide* incurred when paid subsequently to the return of the expenses?—If it was wilfully done, then, according to the scheme that I propose, the Member who either himself or his agents, had wilfully neglected to make that return, would be liable to lose his seat.

11972. But, supposing that certain expenses were not charged to the candidate until after that time, whose fault would that be?—The expenses not being charged would be the fault of the creditor, but the fault of not returning them as having been incurred would be either that of the candidate or of the candidate's agent who had incurred them.

11973. Supposing some doubtful kind of expenditure had been incurred, such as expenditure at public-houses; and, supposing that the publican, trusting to the honour of the candidate, but knowing that the payment of his bill might endanger the seat, kept back his account till after the time for presenting the accounts; what would you say in such a case?—The scheme that I propose would be that it should not only be a return of expenses paid, but of expenses incurred; and, in the case that you are supposing, if a bill had been incurred at a publican's, at the instance either of the candidates or the candidate or the candidate's agent, if that expense kept back from the return of the person who incurred the bill, it would be a question of fact whether he had kept back that expense wilfully; I should say in general that he would have kept it back wilfully. In such a case, if the person who incurred the debt, the agent, did not return that he had incurred it, it would be generally speaking what I should call a wilful keeping of it back; and, if he was an agent of that Member within the rule of agency, I think that the Member should then lose his seat. The law, as I propose it, may seem a little harsh; but if you recollect the object that I am supposing to be attained is, to enforce that expenditure shall not be incurred and kept back under a false notion of trusting to the candidate's honour for paying it afterwards. It should all be disclosed, in order that there may be no corrupt expenditure, and I think that that would be essential.

11974. Are there any other suggestions with regard to the Corrupt Practices Act, which you could offer to the Committee?—None, I think, except that I found a great many things about which it seemed to me that there were difficulties, but I have never been able to suggest to myself any mode of curing those difficulties; and it would be merely troubling the Committee, if I were to point out anything which at present is not perfect, if I cannot show any way of making it better.

11975. I infer from what you said, that you regretted very much the decision that you were obliged to give at Stafford?—I did regret it on this ground; and I may state that the inquiry which happened at Stafford is very strongly illustrative of the inefficiency of the present law about corrupt expenses. It appeared on the evidence that at the last election, and I take it at all the elections before, but certainly at the last election preceding this, when Mr. Bass, the present Member, I think, for Stafford, was one candidate, and Colonel Meller was the other; and they were returned, that there was great corruption. Mr. Bass was not a candidate at the present election, and consequently was not called before me upon this occasion; but when Colonel Meller was called before me, the first questions that were asked him were about the former election; and he with great frankness told us that he had expended more than 5,000 *l.* on the former election; and he seemed to be under the conviction that this sum had been honestly spent, and he was simple enough to believe that it was so. It appeared when we got the returns of the former election, that the agents who were conducting the present election for Colonel Meller, were the same agents as before, and that they had returned the expenses at 1,300 *l.*, and that the odd 3,700 *l.* had escaped their notice altogether; and according to what they said, they could not account for how it was spent at all. That was clearly a wilful infringement of the Act of Parliament; it was a clear misdemeanour, and I had intended to have reported it to the House of Commons, with a view to have made him an example, and instituted a prosecution; but unfortunately, there is a section in the Act of Parliament, which says that no prosecution whatever shall be entered into, except within a year after the matter has taken place; so that by the Act of Parliament, there is an indemnity for all this. I mention that specially, because it seemed to me to be an important point in the case at the time; and thinking that it was a matter which might be amended when the time came to reconsider the Corrupt Practices Act, and the amendment which I should prefer is the one that I have already suggested. Had there been on the former election at Stafford, when Colonel Meller and his agents did this, an opportunity for petitioning some time after the accounts were returned, they would not have dared to do it; or if they had dared to do it, and it was made a substantive ground for avoiding the threat that there was any expense wilfully kept back, it must have been within the knowledge of the inhabitants of Stafford, and one would think that some would

Sir *C. Blackburn*, Knt.

9 July 1869.

be willing to start the question that the seat was voidable.

11976. But with regard to the decision which you arrived at in Mr. Pochin's case, what was the cause of your regret?—My regret was this; Mr. Pochin, when he came down to Stafford the second time, having found out from experience that there was that corruption existing which I have mentioned, *bonâ fide* desired to stop it, and he very sensibly indicated what his view was by refusing to trust any local agent, or any of the old agents, with any of his expenditure. He brought down, I think, from Manchester, a man of his own to conduct the expenditure; and the result was that I was satisfied that really he did conduct it so that there was no corruption on his part, and that it was a consequence of his so conducting it that there was no corruption, that the other side were deterred from entering into extensive corruption; for it was unquestionable that they were prepared to do it, only they got frightened when they saw that the other side was pure. I thought it very meritorious on Mr. Pochin's part, and I was very anxious that he should have preserved his seat; but unfortunately he employed a local agent who was pretty well known in the district, whom he paid to pay for a mob of roughs that were under his control. I was convinced that that agent did use them for the purpose of intimidation, and therefore I could not then help unseating him, because the case was clear when I was satisfied that it was within the terms of the Statute.

11977. You would not desire that greater discretion should be entrusted to the judge?—No, I think not; it is impossible to prevent a great deal of discretion being vested in him unless you draw the hard and fast line of saying that something or other shall absolutely unseat a man whether it be guilty or whether it be not; but if you make it depend upon intention, as it does in the case of treating, you must inevitably trust to the judge at the time to use his common sense and his discretion to see whether or no the fact is sufficiently proved; undoubtedly there is great risk, indeed almost certainty, that one judge may draw one line and another judge draw another, which must be destructive of any rule in such a case, but I do not think you can help it; it is the nature of things. You must either make one rigid law, which would often work with great hardship, or you must leave it to the discretion or common sense of the tribunal, whatever it may be, to decide the matter.

11978. As to the law of agency, are you satisfied with it as it stands?—It is an instance of what I say, and I have mentioned it in two or three judgments; it will be found in the Staleybridge case, where I had first occasion to speak upon it; and also in the judgment which I delivered in the Taunton case, you will find my reasons for the conclusions I came to as to what was agency; but I came to the conclusion that it was impossible to lay down a hard definite rule of what was agency; you must, to a considerable extent, leave it to the discretion of the judge; leaving the consequent evil that the law must seem uncertain, or rather must be uncertain, because the common sense of the judge must be an uncertain unit of measurement; I think I cited Mr. Seldon's "Tabletalk," where he talks of equity as then administered according to the conscience of the Chancellor, that the equity must necessarily be as uncertain as a measure of length, the unit of which was the measure of the Chancellor's foot, for the Chancellor's conscience was as variable as the Chancellor's foot; it is a well-known instance which illustrates what I mean; if you trust a thing of that kind to the discretion or the judgment of the tribunal (whether it is a judge, or a jury, or a Committee of the House of Commons, it is all one), it must be variable and uncertain.

11979. I think that Mr. Baron Martin told us that in his opinion the law of agency, as it had been agreed upon by the judges, and administered by them, was a harsh law; do you agree with him?—I do not think I should say that exactly; I think that it is absolutely essential that you should have the Member, so far as losing his seat is concerned, liable for the acts of his agents, or else you would never have any hold over corruption at all.

11980. I understand him to say that, in his opinion it was a necessary, but at the same time a harsh, law?—It sometimes is harsh, there can be no doubt about it; sometimes when a Member has intended to be as pure as pure can be, and has employed agents whom he has intended to be as pure as pure can be, one person who is undoubtedly an agent gets into a state of excitement and will do something that amounts to treating and bribery; no doubt it is a hard case, but I do not see how it can be helped.

11981. Are there any other general observations that you would wish to make to the Committee?—No, I think none; nothing else that I could suggest that would be of any use; of course I would be happy to give any information that I am asked about it.

11982. Have you formed any opinion as to whether it would be possible to make mere lavish expenditure a ground for unseating a Member?—My difficulty there, is the fact of being unable to satisfy myself how you would determine the question of fact, whether the expenditure was lavish and the very great uncertainty of it; there is no doubt, more especially if you adopted what I have just been suggesting, if you could secure that the election expenses should be really returned, and if you could secure that a lavish expenditure should be a ground for turning a Member out, you would do a very great deal to check expense; but I should have very much difficulty in saying how you would define lavish expenditure.

11983. You would not like to be placed in the position of having to decide what was lavish, and what was unnecessary?—I have decided as difficult things as that, but I should feel that I was striking in the dark a good deal, and it would be very uncertain, I think; if you could establish, as it were, a common tariff to say that no man should spend, say more than 5 *s.* a head for every registered voter in an election, or something of that sort, then the question would be very simple; I think I saw in the newspapers that the return for the Durham county election was something like 17,500 *l.*, and it is clear enough that if there were to be a very small tariff for the registered voters, it would prevent the possibility of going so high as that.

11984. Such a rule as that would work very unfairly, would it not?—It might.

11985. The expense of an election must depend very much, must it not, upon the time during which the contest lasts?—I feel that it would be very difficult indeed to get a satisfactory decision upon

upon that; there is no doubt that if you could do it, it would strike at the very root of the evil, because if you prevent there being a lavish expenditure, of course you would cut off at once the source of corruption.

11986. Mr. *Hunt.*] If such a tariff were laid down, I suppose the candidate would be expected to go up to the limit?—That would be the case, undoubtedly.

11987. Mr. *Villiers.*] Has not any trial brought under your notice that question of lavish expenditure?—I do not think that there was any case brought before me in which that was alleged.

11988. You would not consider that you had jurisdiction over such a matter as that?—Not as a mode of unseating a Member at all; but it would, of course, be important evidence as bearing upon the question, whether or no the expenditure had been applied to corrupt purposes. I will explain what I mean. If there appeared considerable doubt whether or no drink had been given for the purpose of corrupting voters to the extent to which it had been; if it appeared that there had been a very large expenditure on the part of the Member, it would afford pretty strong enough light to show that he must have intended it for such a purpose as that.

11989. I think I understand you to recommend that the time should be extended after which a Member could not be petitioned against; would you propose to fix the time within which all the vouchers should be brought in?—Yes.

11990. At present you think that the time is too limited, which is 21 days?—At present the petition must be within 20 days, and the return of the expenses has not to be made until two months; so that in the very large majority of cases, except at the beginning of Parliament, when there are a large number of cases, and petitions are not tried so speedily, they have the benefit of this, that the petition has been presented, and the trial is all over before the election expenses are returned.

11991. From what you observed, did it occur to you that there might be a large expenditure incurred during the election, and only defrayed after the petition had been tried?—Probably a great deal is done in that way, although I do not know it; but the great evil is rather that the return as to what the expenses were, and the evidence of what the expenses were is not made public till after the trial.

11992. That is to say, they take care not to have that evidence till the trial is over?—That would be the case wherever it is a single election.

11993. How would it be any security to extend the time, because where there is a disposition to evade the law it would only be farther postponing the payment of those expenses which are illegitimate?—I do not quite understand that; what I would propose would be to extend the time of petitioning till say a fortnight after the expenses had been returned, and to make it a substantive ground of unseating the member if he wilfully neglected to return all the expenses which had been either paid or incurred at that time.

11994. But supposing an auditor is appointed, or some officer who may be required to collect all the bills of the election, and they profess to have been all returned before the petition is presented and tried, what is there to prevent further payment being made after the trial of the petition?—The petitioners would find it out. I may give as an example the first case I tried at Bewdley, where the election agent avowedly refrained from returning the vouchers and other things until the day after the trial had begun, and he avowedly refrained from returning them, because he said that they would furnish evidence upon the trial. There was amongst other things omitted a bill for 80 *l.* to a particular public-house, the "George," which had never been paid, and never would have been sent in, but the petitioners knew of it and said, that they were not all the expenses which were incurred at the "George;" and the respondents were obliged to admit it; the "George" people one after the other were got hold of, and then it appeared that there was a bill incurred at the "George" of 80 *l.*, which had been purposely kept back in order that there might not be evidence of it.

11995. But if there had been vigilance on the part of the petitioners the agent for the sitting Member would not have brought in this bill till the petition had been inquired into and satisfied?—No, they could not help themselves as far as they could; they did not bring it in, but they could not prevent the petitioners from being aware that expenses had been incurred at the "George."

11996. So then, in your opinion, security can be taken against illegitimate expenditure being defrayed, after all danger of unseating the Member has passed away?—Nothing, I should say, that would do it perfectly; you may increase the probability of detection. You are aware, by the law as it at present stands, if a payment is made at a future time it never is too late to petition, if it is only found out. You may petition always upon the ground of a corrupt payment that it has been freshly made, if you can find it within 21 days after it has been made. But of course, I suppose, no Member who was going to make a corrupt payment would be foolish enough to do it under such circumstances as that the other side could find it out if he could help himself.

11997. I want to ascertain from you whether there are not modes of evading the law in the way of spending money which make it almost impossible to prevent it under the present system?—I have not the smallest doubt that there is a great deal of corrupt expenditure that escapes detection; but I do not think it is possible to have a corrupt expenditure without some risk of detection.

11998. At present it is necessary to establish agency, is it not, in order to establish the corrupt character of the expenditure, so as to have any effect upon the sitting Member?—Yes; subject to the exception where the corruption is so general and so extensive as to show that it is not a fair election; but, as a general rule, you are correct.

11999. You have no doubt whatever, have you, that payment may be made that is quite illegal, and it may be almost lavish in character without your being able to connect it with any agency, or with the sitting Member in any way?—I have no doubt that such a thing may be; and, besides that, I agree with what both Mr. Baron Martin and Mr. Justice Willes stated, namely, that there may be illegal, and even lavish illegal payments that are not such as to invalidate the election at all. Those payments which are made illegal, such as giving meat and drink to

Sir *C. Blackburn*, Knt.

9 July 1869.

voters for having voted on the polling day, would not invalidate the election unless the judge who tried the case was satisfied that it was done with the intention of influencing those votes. Consequently a person may incur a great deal of illegal expenditure if he keeps it only amongst friends of whom he is perfectly secure, because no one would suppose that he wanted to influence their votes, because their votes were already safe.

12000. In that case it would depend very much upon the discretion of the judge, would it not, as to whether it was done with a legitimate object?—It must do so; I have had to consider it in a good many places, and in the North Norfolk Election Petition, I explained, as I always do when I come to the decision, what the reasons for my decision are, and you will have there an illustration of what I mean.

12001. I think that the judges are not quite agreed upon the matter of the purpose of treating?—I think that they are all quite agreed upon the test, namely, that it must be done with the intention to influence. I suppose that no two men would be always quite sure to agree to the letter in a particular case, that the intention was proved or not.

12002. I thought that Mr. Justice Willes took a peculiar view of treating; because he told us that refreshments are required upon an occasion of this kind, and that in consequence they are not illegitimate?—No, I do not think so, exactly; I rather think what you refer to is this; I forget where it was, Mr. Justice Willes or Mr. Baron Martin in some case had heard that a good deal of drink had been given to committee-men and to people who attended the different committees, and that he did not think it was intended to influence their votes, if it was only a reasonable quantity for the purpose, as he would then think that it did not show the intention. The other judges might not take exactly the same view; in some cases they have come to the conclusion that it did show intention; but there would not be difference as to the law, but rather as to its application to the facts.

12003. However, there is nothing certain about the matter; it depends upon the amount of refreshments that the judge might think the voters required under the circumstances?—It depends, according to my view, upon all the circumstances together. The question is as to the intention to influence the vote. It would be more likely than not that it was intended to influence the vote by the refreshment; but it is just probable that it was not. You must look at the quantity, the time, and the place, and all the circumstances, and then say, do you think, as a matter of fact, *bonâ fide*, that this was intended to influence the vote.

12004. The view taken being as to whether there is a corrupt object, and not as to whether the expenditure is lavish, or one that imposes a heavy expenditure upon the candidate?—Precisely so, the extent of the expenditure being only important according to the view that is taken of the Corrupt Practices Act. In the definition of "treating," the extent of the expenditure is evidence of intention, and of course it is very important as evidence of intention.

12005. According to the view taken of the law, at present, by the judges, a person may spend any sum of money, unless it shall be spent in a way that they think corrupt at the time of the election?—I should not vacate the seat unless that be so.

12006. Have you any opinion, from what you have observed, as to whether it might not be expedient to restrict the expense altogether of elections?—I think it would be very desirable, but I do not see my way to making it practicable.

12007. Have you considered at all what might be the effect of relieving the candidates altogether from any expenditure, and throwing it upon the district or upon the country?—No, nothing of that sort came before me so as to lead me to form any opinion upon it at all.

12008. But are you of opinion that while you allow the candidate to incur the expenditure of an election, there is really no practicable means of preventing any lavish or corrupt expenditure?—You cannot absolutely prevent corrupt expenditure, I think you do throw very considerable difficulty in his way, and I hope that by degrees it may come to be more and more difficult; but at present, you cannot practically prevent it perfectly. And there is another thing which should be remembered, that a judge cannot know anything about the matter except what is brought before him; and it does not always follow that the persons who impugn the election are willing to bring it before him; on only one occasion I had some suspicion, that the case was made purposely mild for fear I should report that the borough was bad.

12009. Then I understand you that the inquiries are very imperfect as to the real character of a place, seeing that you can only decide upon the facts that are submitted to you by the agents on each side?—Yes, they are necessarily imperfect on that account.

12010. Do you mean that unless a place was throughly corrupt and had been so for a length of time, you would not feel yourself entitled to report upon the character of that place?—I should not, except that there is a clause in the Act of Parliament which says that a judge may report to the House any matter which comes before his notice at the time of the election, which he thinks it is desirable that the House should know; and if there was a case made that satisfied me, not merely led me to suspect, but satisfied me that there was ground for thinking that the borough was corrupt, I should under that clause probably state to the Speaker that I thought it right that the House should be made aware of the fact, and leave the House to deal with the persons as they thought best.

12011. But your impression was, that in several cases, there was a much more general system of bribery or corruption in the place than had been submitted to you formally?—I came to the conclusion that I mentioned at Stafford; and in that case I specifically reported that there had been preparations for extensive corruption there, but, as I said before, owing to the merits of Alderman Pochin, they were not carried into effect; I did mention that, and I mentioned also, that there had been corruption at the former election; but, nowhere else was there any evidence to prove to me that such a thing had been in existence.

12012. You would not attach much importance, would you, to a candidate making a declaration of purity before he commenced to canvass, and urging upon his friends not to do what might be necessary for his election?—I never have tried a single case in which the candidates have not come

come and have said that they had done that; I need not say that I do not attach very much importance to that profession.

12013. Did I understand you to say that you had but little evidence submitted before you of what is called undue influence used by people of property over persons dependent upon them?—Very little indeed; I mentioned the only case in which it was proved to my satisfaction, and that was only as to the influencing of three or four votes, which I struck off on the scrutiny at Oldham. In other cases it was alleged in all the petitions; but I think in every case it broke down, the evidence being very contemptible; in fact, the cases of intimidation might be fairly said to be frivolous and vexatious, all of them.

12014. May I ask you what would be the view taken by the judges of a kind of influence, of which we hear a great deal; such as a customer going to a shopkeeper, and saying, "You must vote for So-and-so, or I shall withdraw my custom"; or, "You must vote so-and-so, or else you cease to be my tenant"; what effect would that have in law?—I can refer you at once to what I said on the North Norfolk petition, if you will look at the shorthand writer's notes which have been printed in the Blue Book, you will find that I dealt with that expressly, and I can repeat it now. My own impression, and I believe it is the construction which was put on the law by both the other judges, is that although the thing itself is a perfectly lawful thing to do, such as a landlord choosing to say, "I will give notice to quit," to a tenant, or a master choosing to say to a servant, "I will no longer employ you," although it is perfectly lawful, yet if the master does it on account of the vote, it comes within the Act of Parliament, and would be undue influence, and is a threat of harm or loss, or an infliction of harm or loss on account of the vote. I think such a thing as a landlord giving notice to quit to a tenant, or a master dismissing a servant on account of his vote, would come within the Act, and would be undue influence within the definition of the Act; I have found a difficulty where a person who has been in the habit of having some custom at a shop, says, "I want you to vote for So-and-so," and *vice versâ*; but there it would come to be a question of degree, whether it was done to such an extent that you could fairly ask a jury to say, "This is a crime." I think that that ought to be considered within the Act also; but I do not think that a mere trifle would properly be so considered.

12015. *Chairman.*] If it were proved to have been done by an agent, would it unseat the Member?—Yes.

12016. Mr. *Villiers.*] I want to know your view of the case I was putting; when that is practised by persons not in the relation of agency to the candidates, persons who may be friendly to his views; but whom you cannot in any way look upon as agents?—The question of whether or no a person who is guilty of corrupt influence is an agent or not, is a separate question. If a landlord threatens his tenant, and says, "If you do not vote, I will turn you away," he is guilty of a misdemeanour, and the vote of the man which was procured under that coercion must be struck off upon a scrutiny, but the sitting Member would not be unseated for it, unless it were shown that the person who was guilty of undue influence stood in that relation which constitutes him an agent within the meaning of the Parliamentary Law.

12017. Then it is the general apprehension of the law, is it not, that if the person who influences the voter is not connected as an agent with the candidate, it is not illegal, or at least will not affect the seat of the candidate?—No, it is illegal; it subjects him to be tried for a misdemeanour, and fined and imprisoned; but, as I have already said, and as I dare say most honourable Members have experienced enough to know, people are not afraid of that.

12018. That which is familiar to everybody, and is known to be constant in practice, has not apparently been submitted to the judges upon late trials; but do I understand you now to say that it would not unseat a Member if it were proved to any extent that landlords or customers had gone to tenants or shopkeepers, and threatened them that if they did not vote for A. B., their friend, they would lose the advantage of their connection?—It would not go quite to the extent that you now put it, but at least very nearly so. But, as I have already said, I think there is a principle established in Parliamentary Election Law, that where any of those practices are carried to such an extent that you can say that the election is not a fair and a free one, then, although the corruption may not be brought home to the Member or his agents, it would avoid the election. But then the degree to which that must be proved in order to show that the election is not fair and free, must be very considerable. It is difficult to define, but it must be evidently very considerable.

12019. In fact, voters may hardly be free agents, from the influence used, and there may be a great deal of intimidation without its being brought before you upon such inquiries as you have lately conducted?—There might be, certainly; the only case in which there was intimidation in the sense which we are speaking of, where it was made a real subject of inquiry, was in the Norfolk case, and there it was investigated; but, although they had nearly five months to get the case up, and had spared no expense, it came to nothing whatever. There was a great deal made of the influence that landlords have over their tenants, but of landlords coercing unwilling tenants, they utterly failed to bring any evidence before me.

12020. In all cases where there has been an attempt to prove intimidation, there must always be agency, must there not, to serve any purpose?—It would have been necessary to serve the purpose in such cases, to establish the agency of the offender. There was a decision of Mr. Justice Willes, at Westbury, which I think was a perfectly right one; which was in substance this, that where a particular manufacturer had been asked by the sitting Member or the sitting Member's canvassing agent, to canvass his men in his manufactory for him, and had been, in fact, entrusted to be the person to manage for him, and had been guilty of oppression and tyranny in the the course of it, Mr. Justice Willes held, and, I think, perfectly rightly, that he had been made agent for the purpose of obtaining votes in that particular manufactory, and having been guilty of oppression and undue influence in the course of doing it, the seat was vacated.

12021. That was a case of agency; but have you any suggestion to make to the Committee by which treating and intimidation by independent persons, being only partisans, could be prevented under

Sir *C. Blackburn*, Knt.

9 July 1869

under the present law?—No; I do not see how you could do it better than you can now.

12022. Sir *Michael Hicks Beach.*] With regard to treating, do you think it would be advisable to alter the law so as to make the seat void if any treating was proved?—If I understand you to mean any giving away gratis of meat or drink, with intention, I fear that that would frequently operate with excessive harshness. The very first thing that I tried at Bewdley, in the first case, before they got to the real matter, they showed that when the candidates came there first, they went to a certain election agent; and the election agent had got together a number of people to stand at his door, and to shout as he passed, and the election agent's wife gave them bread and cheese and beer, which they eat and drank. There the agency might not have been made out completely at the time, but it came out afterwards; but then, if you were to lay down the rule that giving meat and drink, though without the intention to influence, was to upset the election, the question would be whether you would upset the election because of this indiscreet act. I have no hesitation in saying that the giving of bread and cheese and beer at that time was not with the intention of influencing the voters. It was not of such an extent as led me to the conclusion that it was, although afterwards it clearly enough was so.

12023. Does not the law, in requiring the proof of corrupt intention, leave a very large loophole to great expenditure in treating?—No doubt it does; I do not see how you can help it. You must either have a rigid rule that the giving of any meat or drink shall upset an election, which would frequently work very harshly, or you must leave the question of intention to be determined by some tribunal or other. I do not see that you have any alternative.

12024. Was the alleged intimidation in the Norfolk election by a landlord of his tenant?—The alleged intimidation at the Norfolk election was that of landlord and tenant partly, and partly of customers and shop-keepers, but it all came to nothing, I think.

12025. Would it be held that if a landlord had been on the committee of a candidate, or had acted with him and canvassed, he would be accounted an agent?—That would be a question, I apprehend, of the extent to which he had acted. I came to the conclusion in the Norfolk case, that it was not even a case of intimidation, but there was a Mr. Scott-Chad, a considerable proprietor there, who had been asked to be a member of the committee for the sitting Member, but refused to do so, but he said he would ask his own tenants, and answer for them, and he did bring all his own tenants up. There was not the slightest imputation that he had used any intimidation. He seemed to be a very popular landlord, and they all came without any intimidation; it was not needed; but he had given meat and drink to them, which was said to be treating; I considered the case very fully, and following the same rule which Mr. Justice Willes had done in the Westbury case, I came to the conclusion that if any corrupt practice had been brought home to Mr. Scott-Chad he had been constituted an agent as far as regarded his own tenants; but I came to the conclusion that there was no corruption, so that of course it became immaterial.

12026. In that case you would have concluded that the mere fact of his undertaking the canvass of his own tenants would have constituted him an agent to that extent?—The mere fact of his being requested and authorised to do so.

12027. I suppose that anyone who would take so active a part in an election as to coerce, or unduly influence, anyone, would be constituted an agent under that holding, would he not?—No, hardly so far as that; it would be a question of degree, of more or less. The first case where I had to consider carefully the law of agency, was in the Staleybridge case, where this much was proved, and indeed not disputed, with regard to a very subordinate member of a volunteer committee. There were several volunteer committees of workmen who were acting together, and there was a sort of head man of one of the committees who had a brother at Manchester who would probably come over and vote if they would send for him. The headman said, "That it was not worth while to send for one voter;" but later on there came another person living in Manchester, who had a vote, upon which he said, "Now, since there are two of you, I daresay it is worth while, and my nephew, probably, has promised to lend us his cart;" those two men, who were working men, went off in a cart to fetch the two people from Manchester to vote, so that they were clearly requested to go and get those votes, and so far that would not be agency, their trying to bring over their two friends to vote. But the two men said, "We cannot leave our work and lose our day's pay for the purpose of voting;" whereupon the volunteers took upon themselves to say, "Oh, of course Mr. Sidebottom, the sitting Member, will make it good to you." The men were not quite satisfied with that, and at last the others promised distinctly and said, "Mr. Sidebottom shall make good your day's wages if you will come and vote," That was clearly bribery, but then came the question, is Mr. Sidebottom to lose his seat because this under deputy agent, as I may call him, has committed such an act of bribery as that? After considering the matter a great deal, I thought I could not bring it within the spirit of what was called agency; so that it is not merely a question whether a man in so acting he goes so far as to do a corrupt act; it must be a question of more difficulty than that.

12028. I think the Norfolk election was the only county election that was tried upon petition?—The only one that I tried.

12029. Was there much evidence upon that petition given as to any great extent of paid agency in the county?—No, I do not think there was; it did not come out that there was any; it was not relied upon. I think that the petition was against the sitting Members; and except in the Yarmouth district, which was peculiar, I think the committees were all what we may call volunteers. I said, as far as I could observe, that it was more a case in which the parson of the parish, naturally enough, thinking the Church was in danger, and the squire, naturally enough, thinking that he was the great man, were acting in each particular parish as a sort of committee. I do not think there was much paid agency there.

12030. In any petitions which you tried, did any cases come before you in which it had been the custom in the constituency for the Members after their election to wait or to put off paying the expenses of the election until perhaps the next election came round?—No case of that sort came before me. Of course I heard of such things,

things, and for aught I know to the contrary, such things may have happened, but there was no case in which any evidence led me to think that that was the state of things in any of those places.

12031. In any place in which that had become the custom, would it not rather interfere with your proposal as to returning the expenses?—No; of course it would be difficult; but that is one of the things that would be prevented by my proposal, and one of my objects is to prevent it. My proposal is that a candidate shall return all that he or his agents may have become liable for, and if he do not, it shall be a ground for unseating him. If he postponed the payment until after the next election, and any of those who were seeking to attack his seat could find out that he had incurred an expenditure in such and such a case, and it had not been returned, that would be enough to unseat him.

12032. Was not it the large expenditure on behalf of one of the candidates at Stafford which disqualified him from claiming the seat?—No; at Stafford one Conservative, Colonel Meller, was returned, and one Liberal, Alderman Pochin, was returned, and Mr. Chawner claimed Colonel Meller's seat; but he and Mr. Pochin had stood together, and what disqualified Mr. Chawner from claiming Colonel Meller's seat was the same act of intimidation which also unseated Mr. Pochin; they stood jointly, and had joint agents.

12033. Mr. *Fawcett.*] Have you any suggestion to make with regard to a Member who has been unseated, not sitting again for a certain time?—No; I think that, as it stands, as far as I can perceive, it is very fairly done.

12034. You would not make the law more harsh?—No, I do not think I would. There is a clause in the late Act, which says, that any Member who personally retains as his agent a person who has been scheduled, shall lose his seat; but it is carefully worded, so as to make it personal. The only case in which that was brought before me at all, was the Norfolk case, in which there was no doubt that one of the persons who had been scheduled at Yarmouth was employed as an agent; he proposed or seconded Sir Edmund Lacon at the election. He was a gentleman of respectability and influence in the town, and they got his influence, and he did act as chairman to one of Sir Edmund Lacon's committees, so as to be within the spirit of this enactment. But then that enactment is very carefully worded, and it carefully requires that it should be personally brought home to the Member, and Sir Edmund Lacon contrived to be as ignorant of the fact that this gentleman had sat upon his committee, as he had formerly been ignorant that he had spent 1,000 *l.* for him.

12035. Does not the case where agency is proved, imply to your mind, more or less, the consent of the candidate to the act of his agent?—No, not by any means. I have no doubt that in a great many cases there is really consent, though it may be intentionally kept back. I believe that very often a man spends money, knowing right well that the Member would not permit him to lose the money, although he will take care not to say so; but the man may be an agent, without any intention of that sort on the part of the Member.

12036. Considering that sometimes, as has occurred in these election trials, a man is turned out through acts of intimidation committed by his agent, and he immediately goes, and stands for another place, would it not be desirable to give some option to the judge to report that, and for the judge to express in his decision whether the acts were done with the consent of the candidate, or not?—If you mean to extend what I expressed is the law as to bribery, intimidation, and other things, there would be no possible harm in that, but I do not think it would do very much good. I do not think it would be harsh to say that where intimidation, or undue influence, or treating, was done by the personal instigation or consent of the Member, he should not sit at all for any other place during that Session.

12037. Have you any suggestion to make as to the desirability of limiting, or altogether forbidding, the number of paid agents who should be employed by a candidate?—I do not see how it would be practicable to enforce it; I think myself that paid agents are a nuisance, and an evil, and I would wish that they were done away with; but I strongly suspect that a great deal of the lavish expenditure which people naturally assume has gone in corruption is intercepted by paid agents; I think it is highly probable that where a candidate had expended some 1,700 *l.* or 1,800 *l.* on an election, it will be found that where 100 *l.* went in corrupt payment, many hundred pounds were intercepted by the canvassers and other paid agents.

12038. Do you think that any practical evils would result from altogether forbidding paid agents?—I have hardly considered that point.

12039. It has not struck you that it would interfere with the due conduct, of an election to forbid the employment of paid agents?—No; I have really not considered that question enough to give an answer that is worth having.

12040. You said just now that if you forbade treating altogether, it might act with great harshness, and in order to illustrate your argument you quoted the case of Bewdley, in which bread and drink were distributed by the wife of the agent; do you consider that there would have been anything harsh if the candidate had lost his seat through that act, supposing that the law had been well known?—I think it would be a little harsh, I must acknowledge, if a candidate were to loose his seat simply because, when he had been canvassing some man, and the man pressed him for something to drink, and he had given him a shilling, I think the candidate, and certainly all the candidate's supporters, would say that it was very harsh.

12041. Even if the law was well known that it was illegal?—Even if it were, they could not reasonably blame the judge for putting it in force, but they would blame the law I am sure.

12042. Do you not think that unless something like that is done, there will probably be a great deal of money spent in treating which does not come under the category of corrupt treating?—More or less there must be; and a great deal in that case must depend upon the view which the judge takes of what is sufficient evidence of intention.

12043. I think you laid it down as the law, that any money corruptly spent in treating, either before, during, or after an election, vacates the seat?—Yes, those are the words of the Act, it is not my law.

12044. Mr. *William Henry Smith.*] Have you given your attention to the expenses of prosecuting or of defending a seat under the present system?

Sir *C. Blackburn*, Knt.

9 July 1869.

system?—No; I know that they must be very considerable, but I have no knowledge of what they are. I have no opinion, and no means of forming an opinion, upon the subject, except that they must be heavy.

12045. Under the rules which are framed by the judges, I believe it is necessary that the person obtaining a seat shall furnish particulars within so many days of the day of trial, but those particulars are of a vague character usually, are they not?—They have proved in practice so. The rules have the force of an Act of Parliament, but the practice which we establish under them may be varied. I must, however, admit that they have proved, to a very considerable extent, illusory. I endeavoured to check that in one instance. In the Hereford case, where the particulars would have given no information at all, I refused to give the petitioner his costs upon that ground. I know nothing else that can be done to check it.

12046. I believe those particulars, such as they are, are only delivered four or five days before the trial?—Yes; one set of particulars were, I think, six days before, and the other particulars for bribery, and so forth, were limited, I think, to four days before the trial.

12047. The result is, that a person who has to defend a seat must employ a very large number of agents, and be prepared to rebut any statement that may be made upon the strength of rumours that may be circulating through a large constituency, and the time that elapses between the delivery of particulars and the day of trial in a large constituency, will not permit him to defend the seat in the way in which he would defend an action at common law?—That, no doubt, to some extent, is the case. You are aware that, formerly, the practice in Election Committees was, that there was no information at all given, and the first time that anything was known about it was when the counsel got up to make his speech. I had myself a very strong feeling, and from the tone of your question you share in it, that it was not fair, and that we ought to give them more notice. Then, on the other hand, very strong representations were made to us when we were considering the question, that if we gave too much notice beforehand, the people who were necessarily relied upon as witnesses were persons who were very liable to be got at, and if you let it be known too long before, you would have no evidence, and the fixing it at four days, which was what was done, was a compromise between those two opinions. I think, as far as my own experience has gone, I have not seen any cases that have led me to the conclusion that witnesses were fetched away. I have not found that that evil existed.

12048. In fact, your experience has gone to show that the danger which was apprehended, and which prevents the ordinary custom in matters of law from being applied to the trial of petitions, does not exist?—I think so; at the same time I should say, in candour also, that I have not found the benefit to arise from giving particulars which I should hope for, for I am afraid Parliamentary agents prove too strong for us in that way; they contrive to give particulars which do not give very much information.

12049. Mr. *Locke.*] The analogy is hardly clear, is it, between an action at law, as it is conducted, and a petition as to giving information?—The analogy would not be in all actions at law, because there is generally an isolated issue; but in the cases where you would give particulars, such as the set-off of a debt, the analogy is pretty close. You want to know what persons are asserted to have been committing bribery in the other case; you want to know what sums have been asserted to be spent.

12050. But you do not give any information as to the witnesses that you are going to call?—No; nor do you do that under any rules that we have established with regard to Parliamentary elections.

12051. I understand that the rule which you lay down is, that the names shall be given of the particular persons whom you allege to have been bribed?—Yes. What we have generally required is this: that the particulars delivered shall state who it is that you assert to have been bribed, and, as far as practicable, who it is that you assert to have bribed them, and where and when; and with regard to treating, whom you assert to have been treated, and the time and the place where such treating is alleged to have taken place.

12052. That would hardly appear in any proceeding in a court of law?—Yes, it would, I think. If the judge, in ordering the particulars, so worded it, it would; he, of course, discriminates.

12053. I think you said your attention had not been called to municipal elections?—No, it has not.

12054. Do you think that a system might be adopted similar to that which exists at the present time in the City of London, that an inquiry should be made by somebody belonging to the municipality itself, as to corrupt practices at an election for the town council?—I was not aware that there was such a practice in the City of London. I must only say that my attention has never been called to the matter; and I can give no opinion upon it that is worth having.

12055. Are you not aware that the court of aldermen exercise that power?—No, I was not aware of that.

12056. Do you think that some tribunal, such as the justices, for instance, in a borough, might have the power of inquiring?—I doubt their determining it very impartially; but I really know nothing about it; it is mere speculation upon my part.

12057. At the present time there is very great inconvenience, is there not, in arriving at any mode of setting the matter right where there has been corruption in municipal elections?—Yes, of course, there must be.

12058. And no remedy has suggested itself to you?—No, I have not had my attention called to it.

12059. I think you said that in the case which you had decided no question arose as to bribery or treating at municipal elections, as affecting the Parliamentary elections?—It did arise to this extent, that there was alleged bribery or treating at the municipal elections for Parliamentary purposes; but the defence was, that as far as there was any bribery or treating it was for municipal purposes, and, of course, it was a question, and it must be in all such cases a question. If you buy a man's vote for the municipal election, and the Parliamentary election is coming on at the same time, is it not an understood part of the bargain that where you buy a yellow vote at the municipal election, that yellow vote at the Parliamentary

menary election is to be thrown into the bargaining —Of course, that is a question of fact.

12060. Have you not had any cases of that description?—I think not exactly in that last shape. There was something little like it alleged at Hastings, but they failed to show that there was any corruption at the municipal election there, so that it came to nothing.

12061. Mr. *James.*] Will you kindly state to the Committee what was your decision in the second Bewdley case, as to voters who had been reported guilty of bribery with regard to their right to vote?—There was but a small number of them; but I thought upon the reading of the Statute, that the scheduling of them by the election judge was not within the terms of the Statute, as he had not had an opportunity of being heard. That was the conclusion which I came to; but I thought that that was a question which, if it turned the scale alone, ought to be submitted to the Court of Common Pleas with regard to voters being allowed to vote who had been scheduled by myself on the former occasion. There was a small majority, I forget on which side, and I said if it turned out that they turned the scale I would reserve the question for the Court of Common Pleas. It did not turn out that they turned the scale, therefore the question was never decided and never brought before the Court of Common Pleas.

12062. Did your judgment in any way turn upon the question whether the voter had or had not been examined as a witness, or upon the fact that he could not be heard in defence of his vote by cross-examination or pleading?—My judgment did not turn upon that; but the question arose in this way. There was one voter who had been scheduled by me who had not been called as a witness at the former inquiry, and when counsel were raising their objections at the scrutiny and came to this man, he said since he was not called as a witness, and therefore was not in any sense heard, "I will not raise a question as to him; it will only apply to those who are actually witnesses before you"; and he remained unobjected to. That was no part of my judgment; of course that would be a stronger case than the one in which I actually decided, namely, that those who had been called as witnesses were not in my judgment disqualified; but that I reserved for the Court of Common Pleas, and no doubt whatever, after the next registration of the revising barristers, it will be brought before the Court of Common Pleas in one shape or another, and then it will be known what the law really is.

12063. Mr. *Hunt.*] The question must be raised, must it not, in the registration court before it can come before the Court of Common Pleas?—No doubt it must be raised. The revising barristers may possibly decide in different ways; but you may be sure it will be brought before the Court of Common Pleas from one or the other of them so as to decide the question.

12064. Mr. *James.*] Supposing that at the time of sending in the account a candidate and his agent have no knowledge of the debt which has been incurred by a qualified agent, and after the legal period of sending in their accounts that a claim springs up, if the candidate pays it, what course would you then suggest should be taken?—I have stated what my special act would be; it would be that if they wilfully kept it back.

12065. But in the case supposed, there was no keeping back; they never knew of it?—I have a difficulty in seeing how a debt which was incurred by a duly qualified agent can come not to be returned unless it was wilfully kept back by his agent or unless he *bonâ fide* forgot it; and in that case it would not be wilfully done.

12066. Take for instance, a debt incurred by a ward manager who may be an agent, but not an agent for election expenses, the agent or the candidate may have no knowledge of that debt having been incurred by the ward manager; because no money would be paid, and he says nothing about it until two months after the election, and it then comes forth. The candidate and his election agent might truly say that they never had incurred that debt?—I think in that case it would not have been a wilful keeping of it back.

12067. Would not your view be limited in what you call wilfully keeping back, to a certain class of agents?—When I said wilfully kept back by an agent, I meant by such an agent as would by any other corrupt act have upset the election. I do not mean in the very conceivable case, that a candidate's groom would be his agent for the purpose of buying corn; if he were to go and buy a quantity of corn for election purposes, that that should upset the election.

12068. I have taken one instance of a ward manager who may be an agent for bribery; if he bribes, probably he would be a qualified agent; but, on the other hand, no money being authorised by the candidate to be paid through his hands, and no special instructions as to incurring debts, yet he may incur that debt so as to make the candidate liable at law; would that ward manager's default to make known the debt, be a ground for disqualification?—I think the ward manager, though he would be an agent, as you describe him, to upset the election by a corrupt practice, would hardly be an agent to bind the candidate to a debt at law. If you merely mean this, that where the candidate, and the candidate's people, do not wilfully keep it back, I think it should not bind him; but I think that where the candidate afterwards discovers a thing, and ratifies it, it would be very much the same as if he had known it before; but the subsequent discovery and ratification would not operate back to say that it was a default to tell it at the time when he was in ignorance of the wilful default.

12069. I am putting the case of a wilful payment by a candidate of a debt which he did not know of (or else he would naturally have paid it) at the time when he sent in the account?—That could only be a matter of evidence; one would not say that it should be conclusive one way or the other.

12070. Do you see any objection to making the test of treating rather a middle course between the two propositions; for instance, if the drink or food which was given, would not have been given except it had been for the election taking place; would not that be a middle course, and that the treating so given, because the election was taking place, should disqualify the Member?—If you were to take that as the test, it would include a great many things which it was never meant to apply to. If a candidate were to ask his sons, who were voters, to come and stay with him and have a day's shooting before you go away; you could not say that that meat and drink to the sons never would have been given

Sir *C. Blackburn*, Knt.

9 July 1869.

but for the election, and I think you would pause before you would upset an election for that.

12071. Any person may ask another to come and have a day's shooting with him, but of course that would not affect the election; but in the case you have put, the case of the wife of an agent, she may have given meat and drink if there had not been an election, but directly you find the fact that it was given, because of the election which was taking place, would you not hold that it was given for the purpose of corrupting the vote, and why should not that disqualify?—I will give you an instance of what actually did occur, and which, as I understand, will answer your question. It appeared in the Norfolk election, and in a dozen different instances, that something of this sort took place. The parson of the parish had gone canvassing through the parish, and had got some eight or nine voters, and he agreed with some large farmer, "You shall bring your cart, and we will carry the parishioners together to the polling place to-morrow; I will start with you;" and the clergyman, when the people came in the morning, in a great many instances, gave them some breakfast. In one case I think it was tea which the parson's wife poured out and gave to them, but more generally it was bread and cheese and beer that they drank together, in the morning while they were waiting. It would have been a question of fact, would it have been given if they had been going to a flower show, or was it merely given because there was an election? If I had thought that it was given especially to produce an influence upon them, because they were going to the election, I should probably have said that it was corrupt treating, and might very possibly have come to the conclusion that the intention was wrong. I held that it was really very much upon the same principle as you put it, that it was the sort of thing that might be done for any gathering.

12072. I think you will see that there is a difference between meat and drink being given because an election is taking place, and being given expressly in order to obtain a voter's vote at the election?—No doubt; but it is rather difficult to draw the line, it would be introducing another subtlety into the law which it is desirable to have as clear as you can.

12073. Mr. *Whitbread.*] I want to ask you a question with regard to this return of expenses; it divides itself into two heads, the delay in the return of the election expenses, and not returning them at all; do you think that there would be any hardship in an Act which should say that any payment made on account of an election by a candidate, or his authorised agents, and not included in the return, or in a supplementary return, should void the election?—Practically, I think it would be very nearly what I propose, the practical difficulty would be to detect the fact that there had been a payment made which was not returned.

12074. As far as I gather from your suggestion your plan would be this, that the time for petitioning should be extended so as to include the limit of time allowed for returning the expenses?—To that extent.

12075. And that any of those expenses would then form part of the evidence to be adduced upon the petition?—That was one part of my proposition, but I also propose to add to it, that if the return was wilfully imperfect in any way, if there was any expense either paid or incurred which was wilfully kept back from the return, that alone should be a ground for avoiding the seat.

12076. Have you observed that where a new election followed upon the unseating of a Member or Members for bribery or corrupt practices, it has very generally followed that Members upon the same side of politics are elected for that place by still larger majorities?—I have had so little experience that I cannot say, it has happened that the cases that I myself unseated, not quite in that way. In the case of Hereford, Members of the same politics were returned by a larger majority. In another case, Bewdley, a Member of the same politics was returned by a smaller majority; and in the third case at Stafford, the election changed the return; one was for bribery, and the other was for intimidation. I suppose the effect of your question was that the corrupt voters resented the election being upset on account of corruption.

12077. Not only the corrupt voters, but the general feeling of the town?—I cannot say.

12078. You have not thought whether that interpretation could be given greater scope to by which the defeated candidate should claim the seat?—Nothing whatever arose in the evidence upon that. I have heard a plan suggested, which I suppose you are alluding to, that it should be said where a seat was vacated for any corrupt practice, and the other side had obtained a certain number of votes, he should be able to claim the seat. I can only say that it sounds plausible enough in theory, but I know no more about it than any honourable Member.

12079. Have you formed any opinion as to whether it would be desirable to prohibit the use of public-houses for committee-rooms?—I think it would be very desirable, but rather impracticable. It would be a very good thing if it could be done, but I do not see how it could be enforced. I do not see my way to any scheme which I could suggest to the Committee by which you could hinder it. I agree that it is a very desirable object.

12080. Supposing you made it a corrupt act to hold a committee-room in a public-house, would that do?—If you make it to vacate the election, then the principal objection to it would be the great danger of having people turned out for some innocent act. But, however, it would be a very desirable thing indeed that there should be as little of the business of elections done in public-houses as possible.

12081. You do no not see the force of the argument that it would be impossible to procure other places to hold committee-rooms in, do you?—I confess that, as far as I can see, I do not think there is any great object or necessity for having so many committee-rooms as people seem to think. In a country place I should imagine there may be an object in having committee-rooms scattered over the country as they are, although there they do not seem to have them; but in a town I cannot see the object of having so many committee-rooms.

12082. Having had the experience of 11 trials, should you desire to have any assistance in the direction of determining matters of fact upon those trials?—It would be an excessive relief to me to have it, if any system could be devised by which two respectable laymen, I mean laymen, as distinguished from lawyers, might sit with the election judge in the same sort of way as the two

Elder

Elder Brethren of the Trinity House sit with the Judge of the Admiralty Court upon maritime questions; no doubt it would be a very superior tribunal, but I do not know where you would get your two assessors.

12083. *Chairman.*] Two Members of the House of Commons, for instance?—If they would come, no doubt it would greatly improve the tribunal, and be an immense relief to me. The odium and disagreeableness of thinking over the evidence, and saying, "Now, this is evidence upon which no one can say that I am wrong, if I conclude that it is corrupt; and no one can say that I am wrong, if I conclude that it is not; and what shall I do?" The necessity, I say, of doing that all alone is one of the most disagreeable things imaginable; and it would be an immense relief to have two respectable men to whom one could say, "What do you think about it?"

12084. That would be infinitely preferable, would it not, to any form of having a jury?—I think a jury would be quite impossible; you never could get an impartial jury; and that is one reason, which I think is quite enough.

12085. Mr. *Brand.*] Have you ever considered whether it would be desirable to appoint a public prosecutor to watch the proceedings at election trials on behalf of the public?—I have thought that it would be very desirable, but I have always felt that the thing would be impracticable, for this reason, that a public prosecutor would be supposed, whether rightly or wrongly, to be biassed; I do not think you would ever be able to get a public prosecutor in election matters who would not be supposed to be a partisan of the one side or the other, although I dare say you might get one who was not really so.

12086. Setting aside the question of bias, you think it would be very desirable?—I think it would; it would remove one very considerable imperfection in election petitions at present, namely, that you can only get the evidence which the party chooses to produce.

12087. Mr. *Hunt.*] With regard to having persons to sit with the judge to try the matter, would you prefer having laymen to lawyers?—Yes, I think so. What I want to have is to supply what a jury would supply in an ordinary case, namely, a knowledge of the manners and customs of the people, and to know how much of this is a probable story, and how much of it is not a probable story. I consider that two country gentlemen would be able to tell that much better than two of the most acute lawyers in London. If you brought down two barristers to sit along with the judge, you only supply him with what he has himself, and not with what he really wants.

12088. Do you not think that those two laymen would be inclined to throw the responsibility upon the judge in every case?—No doubt, to a very great extent, they would; and it would be rather desirable, and an immense relief where the judge told them the law was so-and-so, that he should influence them; but where it is a question of fact upon the evidence, and he says to them, the point is whether you think that so much has been made out, I think that laymen would be as good, probably, in answering that question to the judge as the judge himself would be; and no doubt their opinions would influence him very much; but where it was not a question of fact, but a question of law, about which there was any difference of opinion, I should think they would say, "The judge is right, and we are wrong, and we will leave it to the judge."

Sir *C. Blackburn*, Knt.

9 July 1869.

12089. Have you had any difficulty yourself in coming to a decision upon questions of fact?—Frequently I felt that it was very doubtful, and when I have thought that the case has not been sufficiently made out for me to act upon it, I have acted upon the principle that the matter has not been made out, and therefore I leave things as they are.

12090. Have you been able to ascertain whether the expenses of trials before a judge have been greater or less than before Committees?—I have no knowledge of that whatever. I do not know what the expenses before Committees were, and I do not know what the expenses before us have been.

12091. Do you agree with Mr. Baron Martin that the apprehensions of greater strictness with regard to bribery before the judges led to a diminution of corruption at the last election?—I saw two or three cases where there was an indication that they had been frightened at the thought of the new tribunal, but not much; I do not think there was very much came before me to lead me to form an opinion upon it. I think it is very probable that it was so, but I cannot say that it was so proved.

12092. With regard to having a person in the position of the Queen's Proctor when an election petition was going on, to follow up any indications of bribery that might transpire on behalf of the public, do you think it might be possible to avoid partiality by having two persons put in that position, one on one side of politics, and the other on the other?—I do not think, as a general rule, that it is judicious to divide responsibility. You had better have one person responsible; but I fear there would be very great practical difficulty in that. If you could have a proper independent inquiry of that sort, it would be a good thing; but I should think there is great difficulty in it.

12093. Have you considered the question as to whether it is fair to throw upon the losing candidate the expenses of the petition?—The rule which I have acted upon, as a general rule, has always been to say that the cost should await the event. I think it is like ordinary litigation.

12094. Have you thought whether the expenses of petitioning ought to fall upon the party in the contest, or whether they ought to fall upon the public?—I suppose that, if you threw them upon the public, the danger would be that they would be rather without stint and very lavish.

12095. Do you think it right that a petition should be treated as a suit between two private parties?—That very much involves the other question of the Queen's Proctor or public prosecutor. If it is to be managed as a suit between two private parties, and the petition is left to be managed by them, I think it is but reasonable that it should be at their cost. If it is to be treated as a public inquiry, then the management of it, as well as the expense, should be taken by the public.

12096. Do you think it would be possible to let one of the parties at the contest make out a *primâ facie* ground of proceeding, and then to let some public officer take the matter up, supposing that a *primâ facie* ground was made out?—I should think it would be difficult; but I have not

Sir *C. Blackburn*, Knt.

9 July 1869.

not considered that enough to give an opinion which is worth anything.

12097. Did you find that much perjury was committed in the cases that came before you?—A good deal. There were a good many witnesses whom I did not believe, and who, I thought, were wilfully stating what was not true; but I do not know that there was very much more than I have seen in other trials.

12098. Mr. *Whitbread.*] I suppose that with the view of arriving at the truth, you consider that it is of great importance that the trial should be on the spot?—It gives very considerable advantages.

12099. There was an answer of Mr. Justice Willes, I think, in which he rather doubted whether, after a petition had once been tried, and judgment had been delivered, supposing that a corrupt payment were made, it would be possible to petition over again; do you share that doubt?—I saw that in his evidence, and I was inclined to agree with him; but, like him, I say that that is a difficult question, arising upon the construction of the Act; and when it arises, I would like to hear it argued and decided. My impression at present agrees with that of Mr. Justice Willes, that where it was a fresh payment, a corrupt payment for the first time made after the petition, you might petition again.

Tuesday, 13*th July* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.	Mr. Howes.
Mr. Brand.	Mr. Hunt.
Mr. Bright.	Mr. James.
Mr. Edward Egerton.	Mr. Leatham.
Mr. Gathorne Hardy.	Mr. Raikes.
The Marquis of Hartington.	Mr. William Henry Smith.
Sir Frederick Heygate.	Mr. Villiers.

THE RIGHT HONOURABLE THE MARQUIS OF HARTINGTON, IN THE CHAIR.

MR. FRANCIS TAYLOR, called in; and Examined.

Mr. *F. Taylor.*
13 July 1869.

12100. Mr. *Leatham.*] HAVE you had much experience in elections?—Yes, I have been connected with elections in Manchester and Salford, more or less intimately, since the Reform Act of 1832; in fact, since Manchester and Salford have had Members.

12101. Did you take an active part in making the arrangements for the test ballot in Manchester?—I was chairman of the office committee of the united Liberal party; that is, a sub-committee of the general executive, which had the management of the last two general elections, and the management of the ballot subsequently.

12102. That was a preliminary ballot, was it not, to test the comparative claims of two candidates of the same politics upon the Liberal portion of the constituency, in case a vacancy had occurred in the representation?—It was thought probable that a vacancy might occur in the representation, and a considerable number of the party were of opinion that Mr. Ernest Jones, as the defeated candidate, was the proper person. A number of others, an influential section of the party, thought otherwise, and it was ultimately determined to go to a ballot, as between Mr. Ernest Jones and Mr. Milner Gibson.

12103. Was there a good deal of excitement in the city at that time, in consequence of that contest?—No, there was not much excitement during the ballot.

12104. I mean was there much excitement in the public mind with reference to the contest?—Yes, certainly, personal feeling was very strong as between the two sections of the party, but the excitement at the general election was very great indeed during the polling.

12105. Speaking of the test ballot, I asked you whether there was much excitement in the public mind as to the probable results of that ballot?—Yes, certainly.

12106. But the ballot itself was conducted with perfect order, was it not?—With perfect order and regularity; in fact, the polling booths during the whole of that ballot were as quiet and orderly as this room is at the present time.

12107. What plan of ballot did you adopt?—We adopted the plan in use in the Colony of Victoria, the Australian plan. We considered a great many plans; in fact, we went into it with the view of affording a test of the working of the Australian ballot on a large scale in this country, and we determined that all our arrangements should be made exactly as the arrangements would have to be made for a real election, and we went to very considerable expense in consequence.

12108. What precautions did you take against the use of forged voting cards?—Had there been time we should have had a water-mark in the cards, but as we had not sufficient time to have a water-mark upon the cards we had a die cut, which I will show the Committee presently, which was known to none other than myself as chairman of the committee and the person who executed it, and every card was stamped with this die, and no other cards were used; and as it would take probably from 10 days to a fortnight to cut a die such as this, it would be exceedingly improbable that it could be forged.

12109. Did you give any instructions to the voters?—We issued a circular to the electors, which, perhaps, I may be allowed to hand in to the Committee, giving a description of the plan of voting, and also a drawing of the ballot-room (*handing the same to the Chairman*); and in addition to that circular, this voting paper was enclosed (*delivering in the same*). The Committee will observe that on that paper which we call the voting paper, the name of the voter, his number on the register, and the place at which he was to vote, are given. It certainly, however, is not in the strict sense of the term a voting paper, it simply answers the purpose of the ordinary voting card which is now sent to every registered elector to instruct him where to vote, and also to facilitate reference to his number on the register when he presents himself at the polling booth.

12110. The Committee have been informed that the voters were required to sign this paper; is that so?—No, certainly not. When the voter presented that paper to the returning officer he had no further connection with it at all; he was not called upon to sign it; it was simply to enable the returning officer to turn at once to his number to see whether he was entitled to vote, and on his

Mr. *F. Taylor.*

13 July 1869.

claim being ascertained he received a voting card in exchange.

12111. If the circular was not produced, was the vote rejected?—If the circular was not produced, the vote was not rejected; but the returning officer and the representatives of the candidates examined the man very closely as to his identity; but the vote was taken.

12112. When the voter presented himself after receiving his voting card, what was the course pursued?—When the voter presented himself, he gave his circular to the returning officer, and if his name was duly registered, and he was entitled to vote as being a voter for the Liberal party at the previous election (because the voting was confined to the Members of the Liberal party), he then received a voting card, a copy of which I will hand to the Committee (*delivering in the same*).

12113. What did he do with this card?—He took it into one of the recesses; each booth had five recesses, similar to the recesses in this room, and he marked off the name of the person for whom he did not vote.

12114. Did he deposit the card himself in the ballot-box?—The ballot-box was placed immediately in front of the returning officer and the representatives of the candidates, and the voter, after depositing the card in an envelope, put it in the ballot-box.

12115. What was the special object of using an envelope?—To guard against the possibility of two cards being put into the ballot-box by one voter. If you have a water-mark or a die on a special card, the risk of a person putting in two cards is exceedingly small; but still some persons thought that it was very possible that that might be done as they had never had any experience of the ballot, and knew nothing of the nature of the die that was to be used; and as an additional precaution we used the envelope, but the envelope was no essential part of the plan.

12116. Was any voter allowed to carry the card out of the booth?—Certainly not. Positive instructions, both printed and verbal, were given to the returning officers, not on any account whatever to allow a card to be carried out of the polling booth, and the policeman in charge of the booth would instantly have stopped any voter leaving the room with his card, and would have demanded it.

12117. What number of persons were entitled to vote?—As I said before, the ballot was to determine the Liberal candidate, and therefore the voting was confined to those who had voted for the united Liberal party. The total number of persons entitled to vote on that ground was 18,589; and that number of circulars, a copy of which I have put in, were sent out.

12118. What number of persons actually voted?—The total number of persons who voted was 11,475, or 62 per cent. of the whole number entitled to vote; 80 cards were rejected as informal, and 1,500 circulars were returned through the Dead Letter Office, leaving about 5,500, or 32½ per cent. who did not vote.

12119. Have you formed any opinion as to why so great a proportion of the voters did not vote?—If it had been an ordinary election, the proportion who voted would have been a very fair one, and it would be regarded as a very fair proportion in any borough in the kingdom, but I have no doubt that a large number of persons entitled to vote, both friends of Mr. Ernest Jones, and friends of Mr. Milner Gibson, abstained from voting because they did not wish to be committed to support the result of the ballot in case an election took place upon it.

12120. Do you think that those were opponents to the ballot?—No, not opponents of the ballot at all, but many persons thought thus: if we vote in this ballot, and an election takes place in consequence of it, we must support the successful candidate. Many friends of Mr. Ernest Jones thought that they might be committed to support Mr. Milner Gibson, if he was the successful candidate, and *vice versâ*, and as they wished to be left perfectly free, they did not vote; many persons expressed that opinion to me.

12121. It has been told the Committee that the higher class of voters refrained from voting, is that correct?—No; that is a mistake altogether; and I will give the Committee the statistics of the voting in the different wards, in order to show that it is a mistake. We have 17 wards in Manchester, and the voting in the different wards varied from 54 per cent. to 68 per cent.; the lowest, 54 per cent., was the poorest ward in Manchester, which is composed exclusively of the lower section of the working classes, and the highest, 68 per cent., was in a ward where the classes are about equal, and the next, 67 per cent., was in a ward where they are all the higher class of voters, large shopkeepers and professional men.

12122. Is that the Exchange Ward?—That is the ward close to the Exchange, St. Ann's Ward, containing St. Ann's Square; but in the eight purely working class wards, the per-centages were, one 54 per cent., two 58 per cent., two 61 per cent., one 62 per cent., one 63 per cent., and one 64 per cent. In the five mixed wards, where the classes are about equal, two were 57 per cent., one 62 per cent., one 64 per cent., and one 68 per cent.; and in the four upper and middle-class wards, they were 62 per cent., 63 per cent., 65 per cent., and 67 per cent., so that in the higher class wards, the average per centage is considerably more than in the lower class wards.

12123. Did the number of cards used, unused, and rejected, balance the number originally sent out?—Each returning officer was debited with a certain number of cards delivered out to him; and each evening he was required to fill up a form, of which I will hand a copy to the Chairman, showing the number of cards that he had received in the morning, and the number remaining unused; and the balance, of course, was supposed to be the number of cards in the ballot-box (*handing in the same*). That return he was instructed to deposit in the ballot-box before it was sealed up. When the box was opened the number of envelopes were counted, and checked off by that return, in order to see that the number corresponded. In every case they agreed exactly. At the close of the poll the votes were counted by four persons appointed as returning officers, of whom I was one, and the unused cards delivered up by the returning officers were found to balance within eight; and doubtless we could have traced those eight cards had the matter been gone into at once. I only had the exact balance in each ward taken in preparation for the evidence which I should give before this Committee; but they balanced within eight. With regard to the 80 cards that were rejected, when the votes were counted, 32 of them had

had no name crossed out; either they were entirely blank, as delivered to the voter, or the pencil-mark was so run across them that you could not tell which name it was intended for; 32 had no name crossed out; 12 had both names crossed out; 20, instead of having either crossed out, had a cross put opposite Mr. Milner Gibson's name; 14 had a cross put opposite the name of Mr. Ernest Jones; and one card put in, in favour of Mr. Ernest Jones, had a blank card put in along with it. That was the only case in which we found two cards in the envelope. It was perfectly clear that in delivering the cards two had stuck together, and one blank card was in along with the vote; but according to the principle that we had laid down before, that card was rejected. Perhaps it would be satisfactory to the Committee to see the informal cards (*producing the same*).

12124. At what speed did the voting proceed?—It was very much more rapid in every case than under the present system. You could take 200 votes an hour without any difficulty whatever. The votes were, as a matter of fact, taken faster than that in a few cases in the Manchester ballot, but rather too many persons got inside the booth at one time; that is to say, more than five. There were five recesses. and when the voting was taken beyond 200 an hour, there was a liability to get more than five persons inside at once, and therefore that regulated the speed.

12125. You tested the fact, that the votes could be taken at the rate of 200 an hour easily?—Yes, easily. At the general election in November we had 104 polling-booths in Manchester; and at the rate of 200 votes an hour we could poll the whole constituency of Manchester in 20 to 25 booths.

12126. Mr. *Villiers.*] That was by the open voting?—Yes; but by the ballot we could poll them in from 20 to 25 booths, as rapidly as we polled in the 104.

12127. You mean, judging by the rate at which they voted on the occasion of Mr. Ernest Jones and Mr. Milner Gibson being balloted for?—Yes.

12128. How many polling booths had you with the ballot?—Forty-one. The poll was open two days, but in one or two cases we found that where we had four booths we could have done very easily with one, and in every case we could have done with half the number.

12129. But is the voting more rapid, when it is voting by the ballot, than in open voting?—Yes, four times the speed.

12130. Mr. *Leatham.*] Does the ballot give greater facilities for personation than open voting?—Certainly not. Many persons thought that there would be greater facility for personation, simply because they did not understand what the ballot would be; they thought that, because it was secret, there must necessarily be greater facilities for personation. But every check upon personation which you have in open voting, you have in the ballot. Under the present system the voter presents himself at the polling booth, and the only check upon personation is the knowledge which the representatives of the candidate may have of the individual. We had precisely the same under the ballot; but the mode of voting makes no difference whatever, because the *bonâ fide* nature of the man's claim is settled in both cases before he tenders his vote. But in the Manchester ballot we had an additional check upon personation, which was this. We did not allow any information to leave the polling booth as to who had voted. Personation is practised now successfully, just because information leaves the polling booth, which enables persons to know who has voted, and therefore to know whom to personate. We allowed no information whatever to leave the polling booth, and therefore a person who wished to personate could not tell whether a man had voted or not.

12131. Had you no check clerks?—No, we had no check clerks at all. The Committee are aware that, under the present system, the check clerk sends slips of the voters every five or ten minutes to the Committee-room, and they mark off the name and know exactly who has voted.

12132. Have you heard of the Tasmanian dodge?—I have. I was about to say that, with regard to personation, I have no doubt whatever that, particularly in the Lancashire county elections, at the last elections in November, there was a great deal of personation; I do not mean more on the one side than on the other, but there was personation on both sides, I have not the slightest doubt. Had the information not been allowed to leave the polling booth as to who had voted, that would have been checked to a very large extent. Cases came under my own personal observation which I had not the smallest doubt were attempts at personation. Of course, I had no means of proving it; but I heard, during the election, inquiries as to whether such and such a number had voted, and I had strong suspicions that it was intended for an improper purpose. As a matter of fact, we know that there was a very large amount of personation in all the divisions of the county, because when the real *bonâ fide* voters presented themselves the votes were marked off as given; the returning officer had marked off the voters on the register as if they had voted *bonâ fide*, and the *bonâ fide* voter was rejected because some one had taken his name.

12133. Do you consider that the Tasmanian dodge could be prevented?—Yes, certainly; it has been practised once I believe, and it was discovered, and the man was very severely punished.

12134. Have you any plan to suggest by which it could be prevented?—It could be prevented by various plans. The Tasmanian dodge consists in No. 1 voter putting a spurious card into the ballot-box, and bringing out with him his *bonâ fide* card blank, then the person who is working the dodge sends in the next voter with a card properly marked, with instructions that he is to bring out another blank card, and so on; in the first place that requires a very great amount of publicity; you must have your succession of voters pretty near the polling booth. I suppose that the honourable gentlemen know from inquiries before election committees that in practising any bribery under the present system a great deal of secrecy is required, whereas if a number of voters have to be collected together ready to go in one after another with those forged voting cards, a good many of them must know what is going on, and that in itself would be a very considerable check. The Committee must bear in mind that, according to the plan upon which the ballot took place in Manchester, the voter was in full sight of the returning officer, the policeman, and the spectators, during the whole of the time he was in the polling booth, and anything like an

Mr. *F. Taylor.*

13 July 1869.

attempt to take a card out of his pocket and put another in would have been impossible; I might just as well attempt to take a paper out of my pocket and put another in without any of you gentlemen seeing me, as to suppose that a voter in Manchester could have done it: the thing was utterly impossible; one clumsy fellow explodes the whole trick. Another thing must be borne in mind, that if it were possible the ballot-box contains the evidence of the thing having been done, the spurious card is there, and the moment the ballot-box is opened it is found that that has been practised, and inquiry instantly takes place into it, and with the amount of publicity which had been given to the thing it could not possibly escape detection; then, again, the person who may be working what is called the Tasmanian dodge, has no security whatever that the voter will not cross out the name on behalf of whom he is working the dodge before he gets to the polling booth, and therefore render it altogether nugatory; so that it is the greatest moonshine in the world, and the clumsiest possible dodge that could be practised. It may be urged as a theoretical objection, but as a practical objection it will be found to be utterly worthless.

12135. In your experience of Manchester, is there any deviation from the Victoria system which you would recommend?—The only thing in which we deviated from the Australian system, was the use of the envelope; the card was deposited in an envelope by the voter before he put it into the ballot-box. As I said before, the envelope was merely to prevent the use of two cards in voting. We had originally determined upon another plan of avoiding that, which was to have perforated cards, so that the voter could double the card up and conceal the vote, and deposit it in the ballot-box, and the returning officer, before he delivered the card to the voter, putting a stamp upon it, in order that he might see that it was the same card. That would effectually prevent the working of the Tasmanian dodge, and it was adopted in the ballot at Stafford; those are the cards which were used at the Stafford ballot (*handing in the same*).

12136. Mr. *Villiers.*] How long before they were used, were those cards given out?—They were not given out at all before they were used; they were in the possession of the returning officer.

12137. Sir *Michael Hicks Beach.*] Was this stamp put on the card at the time?—That die was cut and known to no one until the morning of the election.

12138. Was the stamp put on it after the voter had scratched out the name?—No; before the returning officer delivered it to the voter. In the Stafford ballot the returning officer stamped the card; he then delivered it to the voter, and when the voter deposited it in the box, he simply held it up to let the returning officer see that the stamp was on it.

12139. Mr. *Leatham.*] Do you consider that the returning officer's expenses would be very much decreased under the ballot?—Very considerably decreased; if in Manchester we had 25 polling booths instead of 104, our expenses would have been very much below what they were. The expenses of the Liberal party at the last Manchester election amounted to 2,702 *l.* 10 *s.* 10½ *d.*, that is to say every farthing that was spent, and out of that, 657 *l.* was for the returning officer's expenses alone, which is a very large proportion of the whole. The amount expended was a little below 1 *s.* 5 *d.* for each recorded vote. But the committee determined that they would put a stop to extravagant expenditure in every possible way. We had not a single committee-room in a public-house from the beginning of the election to the end. I accompanied the candidates to over 40 meetings during an eight weeks' campaign, and we never entered a public-house to hold a meeting except once, and then the meeting had been adjourned to a club-room in a tavern, because the building in which they had assembled was thought to be unsafe; but with that exception, we never entered a single public-house.

12140. You mentioned that the returning officer's expenses were 657 *l.*; have you formed any estimate as to what extent they would be decreased if the vote were taken by ballot?—I should say that it need not be more than one-third of that.

12141. When you say that the ballot was taken on the Victorian plan, were all the ballot papers numbered to correspond with the numbers on the register?—No; the ballot papers were not numbered at all; I have already shown the Committee the card that was actually used for voting. What you call the voting paper, corresponding with the voting card, which is now sent to the voter, was numbered to correspond with the register, but that ceased to be used the moment the voter presented it; it was simply presented to enable the returning officer at once to turn to the voter's name on the register.

12142. Do you approve of taking the votes so as to give an opportunity for a scrutiny?—I should say that there would be no necessity whatever for a scrutiny under the working of the ballot on the Australian principle.

12143. Then, yours is a deviation from the Victorian plan, where all the ballot papers themselves are numbered?—In the Victorian plan a record is taken of the number of each card, so that afterwards, if a scrutiny is necessary, the numbers can be brought together; but as a matter of practice, that is found to be altogether useless. Besides, it appears to me that you are visiting the offence upon the wrong persons when you come to a scrutiny. If an offence has been committed, either by bribery or intimidation, which is a punishable offence, why punish the candidate, and why punish all the innocent electors along with the guilty, by declaring the election void? I might as well be called upon to answer for the defalcations of my clerk. Supposing that my clerk picks a pocket in the street, why should I be called upon to suffer for his offence? I say, punish him; and if a man bribes, punish him, and if he intimidates, punish him.

12144. Mr. *Villiers.*] Do I understand that this mode of taking the ballot is what you would recommend in taking the votes under that system at a general election?—Certainly. I believe that it would give universal satisfaction. A great many strangers came to Manchester to witness it, and a great many of the leading politicians in Manchester, both Liberals and Conservatives, witnessed it, and I never heard an unfavourable opinion expressed by a single Conservative with respect to the working of it, or by any other party.

12145. I think we have had the same opinion expressed here by Sir Charles Wentworth Dilke, who went down for the express purpose of observing

serving it; but I think that he saw something that was defective in it?—I have read Sir Charles Dilke's evidence, and I may observe that, in one or two particulars, he was under a little mistake. He was under the impression that the voting paper was required to be signed by the voter; but that was altogether a mistake; it was not a voting paper in any sense.

12146. It could not have been secret voting, of course, if he signed the paper and put that paper into the box?—Certainly not. Sir Charles Dilke also objected to the use of the envelope; he thought that it would facilitate the Tasmanian dodge, as he called it; but, as I have said, the envelope was no necessary part of our system at all.

12147. It seems that in this case a man must retire to some corner of the room to strike out the name which he wishes to exclude?—Yes, certainly, he must. I have handed in an exact representation of the ballot rooms, as we had them.

12148. Exactly so; but somebody must do it, and that is the voter?—Yes.

12149. And he must be able to read, must he not?—We printed the names of the candidates in two different colours, in order that a person who could not read might know for whom he wished to vote.

12150. What you have done is to put the names of the two candidates in different colours; but how is he supposed to read the name that he approves of?—Although a man could not read he would know that Mr. Ernest Jones' name was in green, and he votes green. I do not see the least difficulty in voting with the number of names in different colours.

12151. I take for granted that you have a number of voters who have not been educated, and do not read?—No doubt, whatever, unfortunately, a great many, particularly amongst new electors.

12152. Was there any difficulty experienced from that circumstance on this occasion?—None whatever.

12153. Was it observed that there were people who were puzzled to know what to do with the cards?—I visited all the polling booths, and I heard of no difficulty whatever, in consequence of that, I never heard of a single returning officer having asked any question.

12154. The colours seemed to obviate the difficulty?—Yes, they seemed to obviate the difficulty, but you must bear in mind that ours was a voluntary ballot, and therefore we could not swear the returning officer, or anything of that kind; but I see no objection whatever to the Australian plan, of allowing a sworn returning officer to assist a man who cannot read, if he wishes it.

12155. But that vote would not be secret if he had been assisted by another?—It would not be secret from the returning officer; I prefer the plan of the colours, but I see no great objection to the other in case of need.

12156. What proportion of voters did you say abstained from voting?—Thirty-two and a half per cent. out of the whole number, 18,000.

12157. Were the 32 per cent. chiefly the lower class?—No, I gave the per-centages in the different wards, and a larger proportion in the lower class wards abstained from voting than in the higher class wards.

12158. Is this the only experiment that has been made, or that you are cognizant of for the purpose of making the voting secret?—It is the only experiment on a large scale; but perhaps you are aware that the plan has been in operation in the town of Maryport for a considerable number of years, under an Act of Parliament, when they are electing the local board, or some local authorities, the vote is taken precisely on the Australian principle, and taken by ballot, and I believe that both the Conservative and Liberal inhabitants of the town urged very strongly upon Parliament the introduction of this plan o voting.

12159. For what office do they vote in this way?—I believe it is in the election of the local board, it is not the municipal election.

12160. How long has it been in operation in Maryport, do you know?—Several years; in fact the Maryport people find considerable fault that it has been called the Australian plan, they say that it is the Maryport plan, and that the Australians copied it from them.

12161. Does it secure secrecy?—Yes, certainly.

12162. And they are satisfied with the result?—Yes, certainly.

12163. Had there been any elections in Maryport before, under the open system?—Of course, there must have been.

12164. Did they find inconveniences formerly, and was this plan adopted with a view to avert them?—I cannot speak from my own personal knowledge of the circumstances antecedent to its introduction.

12165. Mr. *Edward Egerton.*] Maryport has become a large harbour, has it not?—Yes.

12166. Mr. *Villiers.*] Have you ever seen the ball ballot in operation?—Yes.

12167. You have seen it in operation at the club, but has it ever been adopted within your experience at any place?—No; I read the evidence given before this Committee by Mr. Arnold, with reference to the plan adopted in Greece, but it was perfectly clear that the objection to that plan was precisely the objection which occurred to us in Manchester, when we were considering the various plans that we should adopt, that is, that you would have no check upon a voter voting for any number of candidates he liked.

12168. There is a limit to the number of boxes, and it is known who are the candidates, and everything is provided for a given number, is it not?—There must be a box for each candidate, and a man must have a ball for each candidate. Unfortunately, in Manchester, we are labouring under the penal consequences of the Minority Clause; we are only allowed to vote for two candidates, and if there had been voting by balls there would have been no check whatever upon a man putting three balls in for three candidates.

12169. That is accidental to Manchester; it is not every place that has got three members and the voters have only two votes?—The same objection would apply, supposing that you had two members and you had six candidates; there would be no reason whatever why a man should not vote for three or four, or he might vote for the whole six.

12170. That is assuming that he has no choice, is it not?—I will assume that there are four Liberals and two Conservatives, and he votes for the whole four Liberals in order to put them up, and give them a better chance than the two Conservatives.

12171. You assume that a man knows what he is

Mr. *F. Taylor.*

13 July 1869.

is about, and that he is an intelligent being, and has a preference for one candidate over the other, but are there any mechanical objections to a man putting his arm into a sort of funnel, and dropping in a ball in favour of the candidates of his choice?—I think he would know perfectly well what he was about; he would be voting for his party. If there are four candidates of his party and two of the opposite party, he votes "Yes" to all four of his party.

12172. It is a very simple arrangement putting a ball into a box if a man knows what he is about, the thing is complete for the purpose of secrecy, is it not?—Perfectly complete for the purpose of secrecy; but you have no check upon a man giving more votes than he is entitled to. For instance, in the plan laid before this Committee by Mr. Arnold there were 30 candidates for the district to which he referred, and a voter might have voted for the whole 30 if he pleased, or he might have voted for five of them, as there are only five of them to be elected.

12173. That would operate anywhere where that system was adopted; at a club, for instance, there might be 20 candidates put up, and if a man has a mind to do it, he might vote for everyone?—Certainly, and there is no reason why he should not. Every man who is put up may be elected, you are not going simply to elect four in a club; this objection would apply to every machine which I have seen yet, you must have a handle for each candidate, and unless you have some one in the ballot-room to watch the operation of the voter, which, of course, would prevent the vote being secret, you have the same liability of voting for more candidates than a man is entitled to vote for.

12174. A man does sometimes vote according to the directions of his party now, does he not?—No doubt he does.

12175. And that is considered beforehand, with a view to certain success; and I believe there is a good deal of arrangement which would not occur to individual voters where the Minority Clause is in operation?—I believe that in every place where the Minority Clause has been in operation, the system of working it has been different.

12176. But it requires some management to bring out a result that suits one party?—Yes, certainly; we tried to work it in Manchester, but we did not succeed.

12177. I mean that that kind of manœuvring which it is expected would be practised under vote by ballot is practised now with open voting; a man voting under the special direction of his party?—Yes; but that would be a totally different thing. At present you endeavour to work the votes with a view to success, but not with the view of giving more votes than you are entitled to give. The objection to balloting by balls is, that the voter would give more votes than he was entitled to.

12178. In both cases you think that he would abuse the privilege conferred upon him where there is all this manœuvring about the Minority Clause and manœuvring the balls?—Certainly not in violation of the privilege that is conferred upon him by voting for any two candidates out of three in order to promote the success of the whole.

12179. If vote by ballot was to be adopted tomorrow you would recommend the system which was tried the other day at Manchester?—Yes, certainly.

12180. Mr. *Gathorne Hardy.*] You have spoken of doing this by colours; supposing there were six candidates, three for each party, and a voter wished to vote for two of one and one of the other, which is not uncommonly the case, in that case, I presume, an ignorant man would not be able to do it?—Certainly he would; he would have six colours.

12181. But suppose you have six names upon this card, three in green and three in red, how would he know?—I would have every man have his own colour; not party colours.

12182. You would not put them in three of the same colour?—No, certainly not.

12183. But still you must have some means of instructing persons beforehand, and, if they are to vote for each separately in that way, would not you have a great number of colours?—Certainly; in our case we stated that Mr. Ernest Jones' name would be printed in green and Mr. Milner Gibson's in red.

12184. That is very easy with two persons, no doubt, but when you come to six or seven candidates it would be very different?—It would be equally easy with six. If a voter cannot read he has some child who could, and who would read the circular to him, and tell him which was the colour of each candidate. I believe the reason that they did not adopt colours for the four names at Stafford was, that it was difficult to get any of the candidates to take blue; and if that difficulty could have been got over they would have had colours.

12185. Which of those two plans do you prefer, the perforated card or the envelope?—I prefer the perforated card; it is much less trouble; it is as effective as the envelope, and it has certain advantages which the envelope has not.

12186. Then, the ballot at Manchester was simply a test of the mode of voting and the possibility of secrecy; but it did not test the question of whether it would prevent intimidation by mobs or whether it would prevent bribery, or anything that seemed, from the new circumstances, more likely to arise?—I do not know that; personal feeling was quite as strong as we have ever known it in a general election; but the liability to intimidation by mobs would be very considerably diminished.

12187. That is your supposition; but there were no mobs I assume in Manchester upon this ballot at all; it was an arrangement by the whole party that this should be the means of taking the decision?—We have never been much accustomed to mobs during elections in Manchester.

12188. As a matter of fact, was there any mob?—No, certainly not.

12189. Nor any bribery?—No, nor any jostling at the polling booth, as is the case under the present system.

12190. It was done like a club would do business, was it not?—No, certainly not.

12191. It was done as quietly as a club would vote?—Yes, as quietly as the business of this room.

12192. And there was, of course, no treating?—No treating.

12193. Sir *Michael Hicks Beach.*] Do not you think that the old party colours of the two parties in a place might rather clash with the colours which you might choose for the names of the

the candidates on each of the cards?—There is plenty of choice of colours without clashing.

12194. In Stafford, I presume, the Conservative colour is blue, and the Liberal colour is yellow; supposing that there were four candidates in Stafford, and you had to give to each man his separate colour, one of the Conservatives might be blue, and another might be red, do not you think that a good many voters, having been used to vote blue all their lives, might be extremely puzzled by the different colours?—Of course you would bring it into harmony with the previous practice to some extent.

12195. If every candidate had his own separate colour, that would be an additional element in puzzling an ignorant voter, would it not?—I do not think that practically it would have that effect; but at the same time colour is not an essential part of the system in any way whatever; they have no colours in Australia, and the colour is merely to get over the difficulty of a voter not being able to read.

12196. If you wish a man to distinguish for himself two names on a card, which he cannot read, it must be by colour?—Yes.

12197. Therefore, the colour is an essential part of the system as regards voters who cannot read?—Unless you adopt the Australian plan of allowing them to ask the returning officer.

12198. If you wish to secure perfect secrecy, and to secure ignorant voters being able to understand the card, you must have colours?—Yes; but we hope that the population will grow out of the inability to read.

12199. Even at Manchester it is hardly the case, is it, that all the voters would be able to read the names now?—No, I should say not.

12200. When you spoke of the diminution in the expenses of returning officers by the adoption of the ballot, I think you said that they would be diminished one-third?—That was merely a guess.

12201. In what particular points would they be diminished?—If we could work an election with 25 polling booths, instead of 104, it would make a very serious difference in the cost of erecting booths.

12202. And that you could do, because you think you could take the votes quicker under the ballot than under the present system?—Yes, much more quickly.

12203. Is there any other point in which the expenses would be diminished?—Yes; if you had 25 polling booths instead of 104, you would only want 25 deputy returning officers, and of course their fees would all be saved.

12204. But that all depends, does it not, upon the diminution of the polling booths?—Yes, certainly.

12205. How is it that you can take the votes so much more quickly by the ballot than under the present system?—In the first place, a great difference is in the absence of jostling and interruption on the part of the people who are bringing voters up, and inducing them to vote in a particular way; that interrupts the polling very considerably; and, in addition to that, there is no necessity to record a man's vote in the poll-book.

12206. With regard to the jostling, that might be avoided, under the present system, if the persons not voting were prevented from entering the polling booth, might it not?—But I want to know what the Right Honourable Member means by the polling booth.

12207. The place where the votes are taken?—The jostling takes place outside the polling booth.

12208. In the open air, for instance?—No, not in the open air; within the booth, in a certain sense, but outside that part of the polling booth, which is private.

12209. Do you think that the ballot would so much remove the cause of excitement among the bystanders, that there would not be that crowd?—Certainly.

12210. Do not you think that they would take the same interest in watching the polling?—As a matter of fact, they do not wherever the ballot is in operation.

12211. As a matter of fact, they did not feel the same interest in it, because it was merely a ballot between two sections of the same party, who had agreed to take it, and it was not like a regular Parliamentary election?—Personal feeling was quite as strong as it would be at a Parliamentary election; but it is not the case where the ballot existed at Maryport, and it is not the case where the ballot exists in Australia; and every country in the world where the ballot is in operation this excitement does not take place; whereas, in every country in the world where that ballot is not in operation, it does take place.

12212. Do not you think it takes place in the United States of America?—The ballot there is of a totally different character, and it is not a fair test in America.

12213. Why not?—It is not a secret ballot to a very large extent; you have all the evils of our system connected with it.

12214. The absence of jostling would so far render the votes to be taken more quickly, but some examination has to be made with reference to the capacity of the voter to vote?—Just so.

12215. Would not that take precisely the same time as it does now?—Yes, it would take the same time as it does now, which is a very insignificant portion of the time that a man is in the booth. The time is taken up by the jostling, and the interference, and by the recording of the vote, and the speed at which you can take the vote is limited by the speed at which the clerk can write.

12216. Would it not take a voter as long to get a card and take it into the corner of a room, and record his vote in a ballot box, as it does now for the clerk to record his vote?—Certainly not, because there is a stream continually going on; it does not interfere with the time; you might have five or six or a dozen compartments, if you please, and the persons may be passed into the ballot room as rapidly as their votes can be checked off at the table. Your speed is regulated by the speed at which they can be checked off, but that has nothing to do with the speed of the persons passing through the recesses.

12217. I suppose you have taken an active part in elections under the present system?—Yes.

12218. Therefore you can compare the ease with which votes are taken under both systems very fairly?—Certainly.

12219. Mr. *Raikes.*] I think that you said that Sir Charles Dilke was mistaken in supposing that those voting papers, as distinguished from the cards, were signed?—Yes.

12220. Would there be any objection to their being signed, supposing that it did not in any way

Mr. *F. Taylor.*

13 July 1869.

way interfere with the secrecy of the voting?—There is no object in having them signed.

12221. Would not it be a security against personation?—Not the slightest.

12222. I should have thought it would have enabled you in a great degree to identify the voters, because I understand the voting paper is handed only to the returning officer, who in exchange gives a card which is dropped into the ballot box?—Yes, that is so. If the object of the honourable Member's question is to ascertain whether I think that if a man was called upon to sign it on the spot it would be a check upon personation, I do not think it would, because if people come to personate they will sign the name at once. If a man came to personate John Smith he would know that he was coming to personate John Smith, and he would sign John Smith upon the paper.

12223. Do not you think that, in the present state of feeling in the country generally, a man would shrink rather more from signing his name, knowing that it was a forgery?—Not a bit. A man who would come to personate a voter would do anything of that kind; it is a less offence than personating the voter.

12224. Do not you think it would be any security at all?—Not the slightest.

12225. *Chairman.*] Supposing a man had also to sign his name against his number on the register, would it not be a check then to compare the signature to the voting paper with his own signature upon the register?—If I understand you rightly, you mean that he signs the register on some previous occasion, and then the two are compared. Of course that would be a check, but practically it would be impossible; you could not take the votes with a register of 50,000 voters. In Manchester the thing could never be done, from the time that it would occupy.

12226. As it is now, may not an objection be taken to the identity of a voter?—Certainly.

12227. And some inquiries are made?—Yes, and there have been cases where voters have been given into custody at some elections. At the last election there were two or three voters given into custody on each side.

12228 As it is, in every case the returning officer has to turn to the register to find the number of the man who presents himself?—Yes, to the printed register; but if you had to turn to a manuscript register it would be a very different thing, it would take a very much longer time; it would take at least five minutes a vote.

12229. It is done in Australia, is it not?—I think not.

12230. Mr. *Raikes.*] Had you any objections on the score of personation in this test ballot?—I did not hear of any.

12231. Were there any persons placed there with the view of detecting personation?—Yes; each candidate had the option of sending a representative into each polling booth, and they did so.

12232. Have you had much coercion by masters or persons of influence in Manchester on previous occasions?—The working classes in our district are rather too independent to be coerced, that is not the class on which anything like coercion would be exercised; the small shopkeepers are the people who suffer most by that, and that applies to working class districts as well as to the districts in which the upper class of voters reside. I know, as a matter of fact, in some of the working class districts in Manchester, the shopkeepers say that they do not like to vote, because their customers all belong to the working classes, and thay might lose their custom. Then on the other hand, some of the larger shops are in dread of their larger customers.

12233. Do you believe that there would have been any material difference in the polling if it had been open voting on this occasion from what it was under the ballot?—I cannot possibly express an opinion upon that. All I can say on the subject is, that the opinion of nine people out of ten, before the ballot took place, was that Mr. Milner Gibson would have a very large majority over Mr. Ernest Jones, whereas the result of the ballot was just the contrary.

12234. Was it not a fair inference to draw from that, that there might have been influence employed if the election had been open?—There is no doubt whatever that there would have been influence employed; and there is no question that there would have been very strong influence indeed employed in favour of both.

12235. Mr. *James.*] It seems to be regarded as advisable to have some private mark upon those voting cards; does it not occur to you to be objectionable to let the returning officer have the selection of that mark?—It is not necessary that the returning officer should have the selection of it; it should be secret up to the time that it is used.

12236. Secret to whom?—Secret to anybody to whom the Act of Parliament gives anything to do in the election.

12237. To whom would you give the power of selection; would it be to the returning officer in each constituency?—I should not have the smallest objection to giving it to the returning officer.

12238. In some constituencies, particularly small constituencies, the returning officer is often a violent partisan, is he not?—I do not think that that would be found to be an objection to a very large extent.

12239. Do you see any objection to a mark being put on in the voting room in the presence of the agents of the different candidates, for instance, by a sort of perforating machine?—There is no objection whatever to its being put on in the same way as a mark is put on a railway ticket.

12240. Was this put on beforehand?—It was put on beforehand.

12241. You see no objection to the returning officer being consulted by the voter, if the voter wished to give up the secrecy of his voting, and consult him?—Provided he cannot read.

12242. But that would put the voter at the mercy of the returning officer, would it not?—No; the voter would simply ask which is Mr. Jones's name, or which is Mr. Gibson's name.

12243. That assumes that the voter does not know which was Gibson and which was Jones?—Yes.

12244. Supposing, as I was putting the case, that the returning officer is often a partisan, and he chose to say that is Mr. Jones, whereas it is Mr. Gibson, what would be the result?—I cannot believe that that would be done to anything like an extent to form an objection, or that the returning officer in any borough in the kingdom would deliberately tell a lie to a man who asked him which was the name of a particular candidate; I do not think that that is possible.

12245. At

12245. At any rate do you think it would give confidence to the public that the vote should be placed as it were at the disposal of the returning officer; that a man should be able to tell an ignorant person which was the right name?—The public in Australia are satisfied with it. I have always said that I preferred the system of colours, so as to allow the voter to choose for himself, but I should feel no great objection to the other plan.

12246. In the vote at Manchester, did each card pass through the hands of the deputy returning officer; did one person in each booth only receive the card?—One person only.

12247. One person only checked off the vote as it was given?—He, and a clerk, checked off the votes, and each candidate had a representative to see fair play.

12248. Was there any attempt at personation?—I never heard of any.

12249. There was no case of a second person trying to vote in the same name?—It is quite possible that such a thing occurred, but I did not hear of it.

12250. None was attempted that you know of?—No.

12251. You also said that you would not let the penalty of any fraud fall upon the candidate; supposing that the votes were very nearly balanced, and you found that some fraudulent votes had been given, what course would you take with regard to that?—I would strike them off entirely.

12252. Supposing that their opponents chose to vote fraudulent apparently in their favour?—I do not see the point of the question.

12253. You have suggested, have you not, that any candidate should be dismissed on account of fraud that had been committed?—On account of bribery or intimidation, or anything punishable as a crime, I say, punish the parties who commit the crime.

12254. If the candidates' agent had done it, you would make them liable for the act of the agent; you would not alter that principle?—No, certainly not.

12255. What power would you have of scrutiny, or would you ever have under vote by ballot?—My answer to the question previously was, and now is, that there would be no necessity for a scrutiny.

12256. Except in the case of personation, you would be able to detect a fraudulent vote if a voter put in another card which was not the right card?—Yes.

12257. And there is no other suggested fraud except personation, I believe?—No.

12258. In the voting itself there would be no false votes saving in the case of personation?—No; and you are less liable to that under the ballot, as worked in Manchester, than you are under open voting.

12259. Mr. *Howes*.] How do you explain that there would be no necessity for a scrutiny?—I do not know in what respect you would think it necessary that there should be a scrutiny.

12260. I wish to know from you what is your reason for saying that there would be no necessity for a scrutiny; how would you detect a case of bribery, or intimidation, or any corruption?—I say that under the ballot you would be less liable to bribery or intimidation, simply because the thing would be useless.

12261. Neither bribery nor intimidation nor any form of corruption whatever?—Not that would affect the election, but as I have already said, punish it directly if it occurs, and not indirectly.

12262. *Chairman*.] Could you state what the cost of this test ballot at Manchester was?—I have not the particulars, but I can form a tolerable estimate; I should think it would cost the party between 400 *l*. and 500 *l*. altogether.

12263. Did it cost the candidates nothing?—The candidates never pay anything with us.

12264. Do you think that that 400 *l*. or 500 *l*. would cover the whole expense?—Yes.

12265. Mr. *Villiers*.] Do you mean that the candidates at Manchester do not pay the expenses of the elections?—Precisely so.

12266. *Chairman*.] You say that it would be impossible for the voter to change his card when he is in the act of erasing the name of the candidate for whom he is going to vote; how is it impossible?—Supposing he has a spurious card in his pocket, he has to take it out and to mark the spurious card, and to put the genuine one into his pocket and to carry it out; and I ask whether it is possible that I could in the presence of 15 or 16 gentlemen here, all looking at me, take one card out of my pocket and put another in.

12267. Where are the spectators looking at the voter?—Exactly in a place corresponding with the place for the spectators on the other side of the barrier, in this room.

12268. But this description of the Australian ballot with the picture which you have put in, does not show anybody inspecting the voter in the act of filling up his card?—No; the object of that woodcut was to show the voter what he had to do, not to give a complete picture of the ballot; but the spectators would be in a position precisely as the spectators in this room are.

12269. Are there persons watching the backs of those men who are engaged in scratching out the names?—Yes, certainly, but at a considerable distance; as far off as the recesses are from the spectators behind the barrier in this room.

12270. You would not allow a man to put his hand into his pocket while he is in those recesses?—If you saw that he was pulling a card out of his pocket and putting in another, you would stop him of course.

12271. Mr. *Villiers*.] He might pull it out of his coat sleeve, might he not?—I do not think the thing is possible; as I said before, I do not see how I could take a card from any part of my person and put another in without you gentlemen seeing it.

12272. Mr. *Gathorne Hardy*.] Not as you are sitting now; but if you had your back to us, could you not do so?—But the voter has not his back to everyone in the place; the policeman has his eyes upon him as much as I have my eyes upon the honourable Member now; it is utterly impossible. But I would repeat again that the die put upon the card, on the principle of a railway ticket, entirely obviates that.

12273. *Chairman*.] Is that die constantly changed?—There is not the slighest object in changing it.

12274. Mr. *Brand*.] That plan was adopted at Stafford, was it not?—Yes.

12275. *Chairman*.] If the die is not changed, what protection is it against a system of fraud?—You have a die cut specially for the returning officer, and nobody knows outside what die is being used.

12276. Are we not assuming that the voter

Mr. *F. Taylor.*

13 July 1869.

gets his voting card all right; but instead of using it, takes it out with him?—Yes; but he puts the spurious one into the box instead of it. If the genuine card has been stamped and the spurious card has not been stamped, he comes to the ballot-box to put his spurious card in, which has no stamp upon it, but it is immediately stopped, and that settles it at its initiation.

12277. Mr. *Villiers.*] You would discover the fraud, would you, before he has voted?—Yes.

12278. *Chairman.*] But with the envelope plan nothing could be easier?—By the envelope plan you could not discover it in that way; you simply discover it by seeing a man make changes in his pocket, and by general publicity; but the perforated card was a far better plan than the envelope plan, and it was the plan which we resolved to adopt in the first instance, only that some over-timid people were afraid that even with this plan there might be two cards put in instead of one.

12279. Sir *Michael Hicks Beach.*] It would come to the same thing, would it not, if the returning officer wrote his initials upon the card at the same time?—Precisely the same thing, only that it would take a much longer time than the other, and would give no greater check.

12280. Mr. *James.*] Had you any case where a man said "I have mistaken the way that I wished to vote, and have spoiled my voting card, will you give me a second one"?—We had no case of that kind.

12281. You had no question arising whether you would or would not give him a second card?—Such a case never arose; supposing that we had a case of the sort, an arrangement might be made by which it might be done by counting the damaged card as an unused card afterwards, when they came to balance the cards of the returning officer, and it would be absolutely necessary that the cards of the returning officer should be balanced.

12282. Sir *Michael Hicks Beach.*] You would not allow a man, who alleged that he had lost his card, to have another in its place?—No; he would only have it in the room.

MR. JOHN W. PROBYN, called in; and Examined.

Mr. *J. W. Probyn.*

12283. Mr. *Leatham*] You have visited Italy very frequently, and resided there a considerable time, have you not?—Yes; I have been in Italy a great deal, ever since 1859. I went there just after the war of 1859, and stayed there the whole autumn and winter; and every autumn and winter since, up to the year 1867, I went again. My object in going there was to follow, as closely as I could, the political events which were taking place in the kingdom of Italy, and I took care, therefore, to make all the acquaintances I could, and which I did, with a very considerable number of political and literary men in Italy. I was present at the general election in January 1861, in the City of Milan, and at the general election of November or December 1865, in Florence, and one or two neighbouring electoral colleges or boroughs, as we should call them.

12284. Were the elections very quiet?—The elections were remarkably quiet.

12285. Do you know whether any canvassing is practised in Italy?—There is no canvassing.

12286. Is any pressure put upon shopkeepers and others to vote for particular candidates?—None whatever. During the years that I have mentioned, I spent 15 consecutive months in Italy, and therefore I was obliged to employ Italian tradesmen myself, and I used to ask them about political matters, and how they voted; and their reply always was "We vote as we like." I said, "Well, but do not gentlemen, or even ladies, go round and ask you for your votes?" And they said, "Oh, dear no, no one ever comes; what would be the use; they do not know how we vote."

12287. Had you any means of knowing whether there is any bribery practised at elections in Italy?—I was very careful to ask questions of gentlemen opposing candidates, and their friends, upon that matter; and as far as my experience goes, both parties refused entirely to accuse the other party of bribery. That was particularly the case in the contested elections which I saw at Milan and Florence. I knew gentlemen upon both sides, and I said, "Well, I am sorry you have lost your election; I suppose there was a little pressure or a little inducement put upon those voters?" "No," they said; "we have no reason to suppose that at all."

12288. In fact, it is notorious in Italy, is it not, that bribery scarcely exists?—It scarcely exists; indeed I may say that it does not exist.

12289. Are you aware, whether those elections are expensive to the candidates?—They cost little or nothing. A great friend of my own sits still as one of the Members for Milan, and he is a man of extremely small means. He is a literary man, and I should say that his election for the City of Milan did not cost him or his friends 50 *l.* I am speaking well within bounds when I say that.

12290. Do the elections take place by ballot?—Yes, they all take place by ballot.

12291. Is the ballot a strictly secret ballot?—Yes, strictly secret.

12292. Will you describe to the Committee how it is carried out?—It is carried out in a very simple fashion. The polling places at each of the elections are large halls or rooms, which they have in almost all the cities of Italy. They do not erect polling booths as we do; they are very much as this room might be; the mayor, or his representative, sits at a table, as the Chairman might be sitting there, with the ballot-box before him, into which the elector who comes in to vote is obliged to put one of these papers (*handing a specimen to the Chairman*). One of the papers he procures from the mayor during the week, or whatever is the specified time preceding the election. He goes to the mayor, and he says, "I am an elector of the city of Milan," for instance; "I reside so and so." The mayor then turns to the electoral list, and he verifies whether it is true or not; or whethere there be any reason to doubt it; and having referred to the list, and having found the name and the number of the house, he gives him one of those papers, upon which is written in fact that he lives in such and such a college or electoral district of the city, and that he is so and so, and that he has a right to vote. When he comes to the polling place he presents this to the National Guard, or whoever it is at the door, showing

showing that he is an elector, and if he has not one he cannot enter. When he has shown it, of course that is substantial proof that he is a voter, as it is never given to a man excepting he is an elector. On one occasion I just went a few yards within the room, because they are very particular, indeed, about allowing none but electors to come in, and on that occasion I went with a friend of the candidate just at the fag end of the day, and I was able to walk up even as far as the ballot-box with him with considerable difficulty. The voter walks up to the returning officer, and the returning officer turns to his list, and he verifies the name; and when he accepts this paper showing that he is an elector he hands to the elector this blue paper, which I now hold in my hand, which is a blank paper, except what is printed on it, and on it he writes the name of the candidate for whom he votes. I must say that I think a better plan would be if the names of the candidates were printed on the paper, and he simply erased that one; however, as far as secrecy is concerned, it comes to very nearly the same thing. The great difference between the French ballot and this is, that in the Italian ballot, you cannot vote with any paper except the paper which the returning officer hands to you; if you take any other paper, and bring it in, and if it is found in the ballot-box, it is simply torn up.

12293. Do you place the ballot paper in the ballot-box yourself, or do you hand it to the officer?—No, you take it from the mayor; you turn aside to a little table, and you write the name of the candidate; you then return with it folded up, as I have seen it done over and over again, and you hand it to the mayor in that shape, and he drops it into the ballot-box.

12294. Is there any reason to believe that the ballot-boxes are tampered with in Italy?—I do not think that there is any reason to believe that that is ever done. A very simple mode of preventing anything like tampering is to have glass boxes, because then you cannot have any false drawers; and, so far as the counting of the votes is concerned, that is taken care of by its being done in public after four or five o'clock, when the poll is over. I have never heard of any instance whatever of the ballot-boxes being tampered with in Italy.

12295. Then, nothing else is done but giving him the paper desiring him to write the name of the candidate that he proposes?—Yes.

12296. There may be several candidates, may there not?—Yes; there may be several candidates.

12297. The intelligence of the man is relied upon; he retires to the corner, and writes the name down?—Yes; he goes to a table where everybody can see him writing, and he writes the name. I see on the back of this paper, which is a voting paper of January 1861, it says, "If the elector by an exception of the third article of the present law (mentioning the third article of the present law), or from some physical defect which is notorious or which has been shown to the officials, finds that he is unable to write, he will be permitted to allow the name to be written by some elector who is in his confidence, and the scrutineer or the presiding officer will put it down in the report of the minutes of the election.

12298. Mr. *Leatham.*] Is there any public nomination in Italy?—There is no public nomination whatever; there is as much freedom of the press and as much freedom of public meetings as we have in England, but there is no nomination whatever.

12299. The elections taking place under the ballot, are you aware which of the two great parties in Italy have remained in power for the longest period since the introduction of the constitution?—The ballot was first introduced in March 1848, when Charles Albert gave a Constitution, or Free Constitutional Government to Piedmont, which was extended in 1861 to the kingdom of Italy. During the Piedmontese Government from 1848 to 1859, and the Italian government since, up to the present year, the number of petitions presented against returns on account of corruption have been a perfect minimum. I doubt if there have been 15 petitions in the matter of bribery. I remember that an instance occurred when I was in Milan; it was a chance election, which I think occurred through the death of some member, and some of the papers a week afterwards came out with articles very strongly upon the corruption which had been used, and there was a scrutiny, or rather there was an examination by a Parliamentary Committee, and the candidate about whom all the fuss had been made was finally proved to have given 12 francs, or about 10 *s.*, to a friend of his, in order to pay for conveying one of the voters to the poll. This was considered a most horrible and dreadful case, and created an immense scandal; and I could not help thinking at the time that if we had no greater scandal in England it would indeed be a great improvement.

12300. Is the majority of the Chamber usually Conservative or Liberal?—It has usually been Conservative both before and after Count Cavour's time. The majority has been always what is considered the moderate or Conservative party, as is the case with the Government of General Menabrea.

12301. Mr. *Brand.*] In the Italian system is there any way by which a voter can be identified; can you establish a scrutiny after the election?—Yes, you can always tell who the voter is, and whether he has voted, by looking at the list or, if necessary, going to his house and seeing if he really lives there, and so forth.

12302. But is there any number on the voting paper by which the vote can be identified?—No; you cannot identify for whom he has voted; you can only identify if he has voted. In this paper, for instance, the blank is not filled up, but there is the number of the college and the section, and where he votes for, and then you can see by turning to the register whether he has voted; but, of course, you can never tell for whom he has voted.

12303. *Chairman.*] Might there not be a corresponding number put on that blue paper?—Of course there might, but that is not done, I think; in fact, I may say I am certain that they do not put numbers, so that you could not tell who a person voted for.

12304. Sir *Frederick Heygate.*] Do the people in Milan make any secret of their political principles?—Some do and some do not. Of course there are fervent politicians who make no secret whatever; but at the same time there are a great number of quiet people who just follow the course of events, and who say very little to anybody, such as the tradesmen to whom I have referred, and whom I have employed myself.

12305. Is it universal suffrage in Italy?—No, it is a limited suffrage. I really could hardly

Mr. *J. W. Probyn.*

13 July 1869.

tell what it is, at this moment, because the suffrage has been extended, owing to the extension of the taxation during the last three or four years. But I can tell you generally that the population of the city of Milan is 250,000, and it is divided into five electoral colleges or districts; the population of each college is 50,000, and the smallest college would have about 1,200 voters, and the largest about 1,800; but I fancy that the numbers have increased lately; as compared with what they were in 1861. The population has increased and the electoral suffrage has been lowered, and has taken in rather a larger section; but I should doubt whether in the whole of Italy there are more than 1,000,000 of electors for the present kingdom of Italy.

12306. Is great interest taken in those elections?—Yes, very great; of course the interest varies very much; for instance, in the election of 1861, I think it was the second college elected General Cialdini by an overwhelming majority; and I think it was the third college for which my friend got in, who is still a member, and they had so close a run that the first election was not valid, and they had to go through a second one.

12307. Have you had any experience of the condition of things in the agricultural districts of Italy?— I saw one election in a purely country district, or what would answer to our country districts, a very small borough called Pontassieve, which may be 15 or 20 miles from Florence. I went there on the second day of the election; but they had a very close run, indeed, between two gentlemen of very high character, as far as I could learn; the one was supported by a party called the moderate clerical party, and the other by the more moderate constitutional party, and I think that out of 1,160 voters some 850 went to the poll.

12308. Those were voters in a town, were they not?—It was as much a town as an English country borough would be a town; not more or less.

12309. Would it be a similar constituency to an English county, for instance?—No, hardly that; it would be more like an agricultural borough.

12310. Should you say this plan succeeds equally amongst agricultural voters as it does in a town amongst urban voters?—As far as I have heard, certainly it does.

12311. Has it put a stop to all influence?—Yes, I should say that it is quite free from all influence; at least, that certainly was the case in the college of Pontassieve, because the first day of the election I stayed in Florence, and I heard on the Monday morning of the close run there was at Pontassieve; and I said to some friends of mine, that I should go there the next Sunday to see the final voting; I made a good many inquiries as to the matter, and as far as I could learn, there was nothing approaching to what we should call undue influence; it was, I may say, agricultural population, quite as agricultural a population as any small borough in the south-west of England.

12312. Does the landlord or the priest exercise any influence over the voters in agricultural districts?—He exercises what influence he can.

12313. Does he take an active part in politics?—Of course that depends on circumstances, there are many who do. The priests, no doubt, have always exercised whatever influence they could; but I think it is very obvious that their influence has not been really powerful, because it is perfectly clear that the policy of the ultra party of priests has been completely in the minority; in fact, it is so much in the minority that I have found Italians who are very much opposed to that policy, who lamented that the ultra clerical party could not get a fair number of their deputies elected to Parliament.

12314. Do you think that the ballot has neutralised that influence to a great extent?—I think that it has neutralised all unfair influence. There was a great struggle made, I think it was in 1857, in the Piedmontese Parliament by the priest party to get a majority, and it was supposed that they influenced some 12 or 13 elections, but when it came to an examination there was nothing wrong proved against them. The end of their struggle was a complete triumph of Count Cavour, and his policy; so that, I think, putting all things together, we may say that the influence has not been able to do anything beyond what was fair.

12315. Has there ever been any other kind of voting but by ballot in Italy?—No, never. It was introduced when the Constitutional Government was given by Charles Albert in 1848.

12316. *Chairman.*] Does the possession of one of those papers give an absolute right to vote?—It gives an absolute right to vote upon the day, that is to say, if you were an elector, and came without that paper they would not admit you.

12317. Supposing I, not being an elector, by some means or other got possession of one of those papers, should I be prevented from voting?—No; but you would run the risk of being found out.

12318. But are there any inquiries made in the booth?—Yes, there may be; if you were at all suspected they would make inquiry at once.

12319. Are any representatives of the candidates present in the booth?—What they call the formation of the bureau is done in this manner; at eight or nine o'clock in the morning in the polling house, the representative of the mayor, if not the mayor himself is present when they form what is called the bureau; that is to say, four gentlemen or five gentlemen to assist the mayor in taking the votes; that is to say, they sit by all day, and see that what is going on is fair; I do not think the law prescribes anything more, but, in fact, what is really done is, that both parties are represented amongst those four persons. In all boroughs care is taken that they should represent the different parties in the electoral bureaux.

12320. Have you never heard that those papers are collected beforehand by rival candidates, or parties, and issued to people who they know will vote in one way?—I have never heard of it; that even would not affect the voting, because they do not vote with that paper; they vote with this paper (*pointing to the blue paper*); the white paper admits them into the polling booth, and they present that paper to the returning officer, and they give it up to him, and when he has got it and is satisfied that they are really electors, he hands them this blue paper, and they vote with it.

12321. Mr. *Villiers.*] Do we understand that you made particular inquiries about this yourself of different people?—Yes, I did; I took pains to see those who were of the opposite parties, to hear whether they charged bribery or intimidation, and I never heard of such a charge.

12322. Did

12322. Did you inquire particularly about the operation of the ballot?—Yes, I did.

12323. Are we to understand from what you have said of the qualification of the elector, that it does not go to a very low class?—I should think it must go pretty low now; but I do not know quite how low; at any rate it is quite low enough for persons to be very thankful for money, if money were going.

12324. It is but a small proportion of the whole number of the population that you spoke of as having votes?—It is about 1,000,000 out of 25,000,000, just as it was with us before 1867, it was about 1,000,000, or 1,200,000 out of 30,000,000, or 29,000,000.

12325. You stated that you do not believe that the clergy have any influence over the voters; that might be because the voter is not of a very low class, perhaps?—I think that the clergy have influence, but then it is entirely that influence of persuasion which any one man may fairly exercise over any other; but there is no power of putting pressure on, because there is no means of detecting the vote. I once, and only once, had the honour of meeting Count Cavour, and amongst the questions which I put to him was one concerning the voting, and he gave me the answer which all the politicians of Italy whom I have come across have always given to me, that nothing would induce them to alter the system of voting, and one of their chief reasons was that it nullified undue influence, and the undue influence of which they were most afraid was the clerical influence; of course there is fair clerical influence as well as unfair.

12326. What we have heard of undue clerical influence would be measured a good deal by that sort of spiritual influence, which the priest has over the people by means of the confessional; is not that in operation in Italy as well as in other Catholic countries?—I believe that they did try it, but it has gone out simply because it has failed.

12327. But the people are attached to the priests, are they not, and they have a good deal of influence?—Yes, they are very much attached to them; but what the people say is this, they are very good Roman Catholics, and they are perfectly willing to obey the priest in all spiritual matters, but as to voting for a candidate, that is a temporal matter.

12328. That is the state of the Italian population now; they are not so degraded as not to know the difference between the power that the priest ought to use and what he might be content to use?—I think that is the state of a great many with respect to the great national questions that they have had before them these last 20 years.

12329. The priests, I think, generally go with the people in Italy, so that they are more popular in their views?—In certain parts of Italy, in Lombardy and Piedmont, and so forth, I think they are, on the whole, popular.

12330. They were always against the Austrian Government, were they not?—I believe the fact to be that Lombardy and Venetia became more or less, not openly, but more or less secretly hostile on account of the Concordat. The Concordat gave such immense power to the bishops that the great bulk of the priests did not like it. The old Austrian Government completely overshot its mark; but I think that the majority of the priests, both in Piedmont and Savoy, were decidedly opponents of Count Cavour, if you take the majority of the priests; but, however, as you know, they were utterly unable to oppose him in the Parliament, because he always had a very considerable majority, and the clerical party were always in a very small minority.

12331. You mention Italy as an instance of a Catholic country where the priests have a great deal of influence with the people; do they not feel that it is useless for them to attempt to influence the voter in the manner in which he gives his vote?—That is quite their feeling upon the matter.

12332. Do you find that the people having the vote by ballot are so attached to it that nothing would induce them to change the system?—Yes, that is what men of all parties have told me in Italy, and certainly the contrast between all the elections that I have seen in Milan and other parts of Italy, and all those which I have seen in England, even the best of them, is so much in favour of the ballot that it has completely converted me to that system of voting, or I should not say perhaps converted me to it, for I was always more or less favourable to it, but it has completely clenched the nail.

12333. Is there ever any disturbance at the time of taking the votes?—I have never seen the least disturbance.

12334. Have you ever seen the civil or military authority resorted to upon those occasions?—No, never; and I do not think I have ever heard of it.

12335. Sir *Michael Hicks Beach.*] I do not think you stated what proportion of the voters voted at Milan, in the contest which you saw?—In the contest that I saw at Milan I should say from one-half to two-thirds voted; at Pontassieve a much larger proportion voted, about 850 out of 1,100, or something like that.

12336. Was the proportion larger amongst the higher class colleges in Milan than in the lower class colleges?—I cannot say; I do not think that there is any very great difference. The city is very equally divided from the centre into five electoral colleges or districts, and I think that there is not any very great disproportion between them; I mean nothing like such a disproportion as we have in London, between the east and the west class, in the class of population; there are of course more populous quarters but I do not think there is such a difference as with us.

12337. The small proportion of voters that you gave does not show a very lively interest in politics on the part of the voters, does it?—I think it does for this reason, that almost all candidates who put up begin by stating what was, of course, the great question at both the elections in 1861 and 1865, that is to say, they insisted upon Rome and Venice forming a part of the Italian Kingdom. Of course the Radical party wanted to go towards that object by any and every means, even war if necessary; but the more moderate party, the followers of Cavour, Ricasoli, and Menabrea, and that class, were more anxious that it should be done in conformity with the opportunities which the state of European politics might bring out; the consequence was that a very large number of persons did not take the trouble of voting, because they said, "We are all for this object, and whether it is Signor So-and-so or Signor So-and-so it is very much the same thing, we do not care very much who gets in." But where there is any other difference,

Mr. *J. W. Probyn.*

13 July 1869.

as there was in the case of Pontassieve, I think that a very large proportion came to the poll.

12338. Do you think that there is as keen an interest in the elections in Italy on the part of the voters as there is in this country?—I think that a little depends upon the districts and the circumstances; I think that very often it is not so keen, simply because there is a sort of general feeling that they want to get certain advantages which are so generally desired by the whole population, that perhaps they do not take the interest that they used to do; I believe that that is the case in many parts.

12339. Is there as great a wish on the part of the higher and richer classes of society to get into the Chamber of Deputies as there is in England?—Yes, I think so; and I think that the desire is increasing every day.

12340. Are the members paid?—I think they have certain expenses paid, or something of that sort.

12341. You do not know whether they are paid for attendance?—No, but I think not; I should be sorry to say positively. The Italian Minister would tell that in a moment, but my impression is that they are not paid, but that they have their travelling expenses paid, or something of that kind.

12342. As a rule, are the candidates rich men or poor men?—I think many of them are poor men, because of there being no expense connected with the elections; of course it is not a question of money with them at all, but I should say that where they have not been rich men, they have been generally men of some little literary standing or some little notoriety in their own districts.

12343. You spoke of a proviso on the back of the blue paper, that the elector might obtain some other voter to write the name of the candidate for whom he voted, if he was unable to do it himself; did you see that put in practice upon any occasion?—I think I did upon one occasion, and only one. It was in one of the Florence Colleges that I saw it. Some man came up, and I really forget whether he could not write or whether he had lost his hand, or something of that kind, but he was allowed to bring up a friend.

12344. It was only done in the case of one voter?— That is the only case that I ever saw, and it is very rare, I believe.

12345. Did you see it done in that agricultural constituency of Pontassieve, of which you spoke?—No, it was in Florence itself, I am almost certain.

12346. Did you ever hear of its being done to any great extent?—No, I did not; on the contrary, I think it is quite the exception.

12347. Of course it is obvious that it might be done by persons, so as to influence the voting?—Yes, it might be so; and several of my Italian friends used to say that they should like to see that clause struck out, and that a man who could not read or write should not vote.

12348. You never heard, did you, of its being done in any way to exercise undue influence?—Never.

12349. When you speak of the Conservative party having more power in Italy than those of opposite politics, what is that party; is it the party of landowners or priests?—No; the Conservative party is not divided at all in that way. What are called the Conservative party, are the party who wish, and who have wished ever since 1859 and before, to bring about a single kingdom of Italy, or at the most two, if we go back a few years. Their policy has changed very much according to circumstances; at any rate, they wished to throw out all foreign influence, direct or indirect, from Italy, but they wish to do it with as little disturbance to European politics as possible.

12350. Is there any part of the country in which that party has its particular strength; does its strength mainly lie in the country, or in the towns?—I think that there are no such divisions; I think it mainly lies in the north, the north being a more civilised, and comparatively speaking, a calmer population than the Sicilians and Neapolitans. Its strength, no doubt, lies chiefly amongst the northern population; but there is no distinction, such as we understand, between town and county, I think.

12351. The ballot is now in operation in the whole of Italy, is it not?—Yes, in the whole of Italy.

12352. Mr. *James.*] Do I understand you to say that there is no process of nomination at all?—None whatever.

12353. Of course that necessitates that the person must write the name of the candidate for whom he votes?—No, that would not be necessary.

12354. If he comes to vote for anyone, and there is no nomination, of course it is at large for whom he may vote?—Of course it would be very easy to introduce a little change in that respect by saying that certain names must be given in, within a given time, to the mayor; but that is not done.

12355. Is the mayor that you speak of a government official, or is he elected?—The municipal body is purely elective. I am not quite sure whether the mayor is purely elective or whether they elect three, and the King, on the advice of his responsible minister, has the power of nominating one out of the three; but I think that the mayor is purely elective.

12356. It was different, was it not, in the southern parts of Italy, before 1861, from what it was in the north?—Yes, before 1861, with the exception of just a few months in 1848, when Ferdinand the Second gave them a constitution. There was no Constitutional Government at all except in 1848, for a few months, when it was given and then taken away.

12357. Mr. *Howes.*] When you say that there is no nomination, do you mean that it is not ascertained, before the election, who are the candidates?—It is ascertained by the party, because they have their public meetings, inasmuch as they have the same freedom of public meetings as we have in this country.

12358. Then it is ascertained, in fact, who are the candidates?—Yes, it is ascertained; but there is no nomination-day, or any hustings, or anything approaching to it.

12359. Is there anything compared to what we call a system of canvassing?—No; that does not exist in Italy.

12360. And at those public meetings, is it suggested to the electors for whom they may vote, or ought to vote?—Yes; each party has its particular candidate, and his praises are sung at the public meetings; and anyone is allowed to speak, just exactly as it is done with us; but no one is bound to vote for any particular man; he may vote for any one citizen that he chooses; but of course

course the party usually name a man as their candidate.

12361. You say, I think, that the elector writes the name of the person for whom he wishes to vote, in the voting room?—He writes the name of the person. Only one candidate can be elected in any Italian college or district, and he writes his name upon the paper, at a little table apart, just as the table at the side of this room may be distant from the Chairman's seat.

12362. Is care taken that no one should see him write?—Care is taken that no one should see what he writes; but of course he can be seen writing, just as I could be seen writing if I went to that side table and wrote a name; but nothing more than that.

12363. Are not the names of the candidates suggested to him by any official in the room?—No; that would not be tolerated for a moment.

12364. The knowledge of the names must be derived from some one outside before the election?—Yes; before the election, certainly.

12365. *Chairman.*] With regard to the proportion of electors who vote, have you ever had any experience of an English election?—Yes.

Mr. *J. W. Probyn.*

13 July 1869.

12366. Have you found that a large number of voters are not very anxious to vote?—Yes; I have found a considerable number who would not vote.

12367. And a considerable proportion only do vote on account of the system of canvassing, do they not?—Yes; they are asked over and over and over again, and what they call bothered into it.

12368. Do you think that if the voters in England were left entirely to themselves, the proportion that would vote in those elections, of which you have had knowledge, would be about the same as in Italy?—Yes; or I should think rather larger, because the constitutional system is young in Italy, and has to be understood, which, of course, is not the case here.

12369. You would not say that the people of Italy were altogether apathetic about the elections that you have seen?—No; certainly not.

Mr. William Nicholson Hodgson, a Member of the House, Examined.

12370. Mr. *Gathorne Hardy.*] You are now Member for West Cumberland, are you not?—Yes.

Mr. *W. N. Hodgson,* M.P

12371. At the last election were you a candidate for the city of Carlisle?—I was.

12372. Are you a Director of the London and North Western Railway Company?—I am.

12373. That company have works in the city of Carlisle, have they not?—Yes; close adjoining that city.

12374. But within the Parliamentary boundary?—Yes; within the Parliamentary boundary.

12375. Have they more than one set of works?—They have what we call the locomotive works, and the goods warehouse, separately.

12376. Are they in different wards?—No; they are all in the same ward.

12377. Was there a long period during which you remained a candidate before the election?—Yes; I should think three months.

12378. Did you canvass the borough personally?—No; not personally. I stated to my committee at the commencement of the election that I could not undertake to canvass for the borough; the constituency was so much enhanced, that I could not undertake to do so; but that I should visit the principal establishments in the town, and see the workpeople generally.

12379. Did you do so?—I did so.

12380. Did you visit the works of the London and North Western Railway?—I studiously avoided doing so until I was pressed by my committee to go. I had been to the Caledonian station, and I had visited what they call the Citadel station and the people there, and the committee said that the workpeople at the London and North Western were offended because I had not been to see them, and they begged particularly that I would go, but I refused to go until I was pressed very much to go; and at length I consented to go.

12381. Was that by the chairman of the Botchergate Ward, in which the works are?—Yes; he was one of the party who pressed me to go, and the chairman of the general committee also.

12382. Was it in consequence of an understanding that the workmen wished that you should come there that you went eventually?—It was entirely so.

12383. Is there any power in the directors of the London and North Western Company singly to act with regard to the workpeople employed, either of dismissing or of appointing them?—No, certainly not.

12384. At the Board of the London and North Western Railway Company, I presume that you are not all of one politics?—No; I should think that we are very nearly equally divided.

12385. And of all shades?—Yes, of all shades.

12386. Is it a matter perfectly well understood at the board that no political use is made of the board?—Certainly.

12387. You say that you went to visit the London and North Western works?—I did; I went in company with the chairman of the ward committee, Mr. Armstrong, and one or two members of the committee of workmen, who had formed themselves into a separate committee. Upon entering the works, I saw three or four of the men, not for the purpose of canvassing them, but of thanking them for the votes which they had already promised and offered to me; and, when talking to some of the workmen, the foreman of the establishment came up to me and said, "You are standing in a very awkward place, Mr. Hodgson; if you do not mind, you will have an engine running over you. I would recommend you to come in here, into one of the sheds, and the workpeople shall come and see you." I accordingly withdrew with him into one of the worksheds adjoining, and I believe into his office, and perhaps a dozen or 15 men very soon came into the office where I was. While I was talking to them, I told them particularly, "I have come to pay my respects to you, in consequence of having promised me your votes, and to thank you; but there has been a great deal said in the newspapers and elsewhere as to the railway screw. Let me assure you that no such thing exists, and that you are at perfect liberty to vote for who you think proper. If you vote for me, I shall be very much obliged to you; if you do not

Mr. *W. N. Hodgson*, M.P.

13 July 1869.

not vote for me, you will never be marked or punished in any way; and if you do vote for me, you are not to expect any favour from me." Those words I distinctly said to them. At the same time, while I was talking to them, there was a person passed the door of the office. I believe his name is Thompson; he was a driver, and had just come from Preston, and he called out (I heard his voice distinctly), "Those that are for Church and State, my lads, and are for Mr. Hodgson, hold up your hands." As he passed the door I heard that; and 12 or 13 of the men that were present all held up their hands but one. That man did not do so; he said he would not promise his vote to anyone until the day of the election. I said, "I am sorry you you will not do so;" but I said no more. That was all that passed on that occasion.

12388. Was the foreman present at that time?—Mr. Worthington, the chief foreman, the head man of the works was there.

12389. Was that the only assembly of workmen of any kind that came to you?—The only assembly.

12390. And they, you say, were about 12 or 13?—There may have been 15, but that would be the outside, I am quite sure.

12391. It has been said that certain men were turned off after the election; was any man either reported by you, or by anybody on your behalf, as having voted against you, with a view of having anything whatever done to him?—Certainly not by me, and certainly not with my knowledge.

12392. Was there an order sent out from the general board at Crewe, with respect to reducing the establishment before the election?—Yes, I have a copy of it here; it was sent from Crewe.

12393. Was it to reduce a certain class of workmen?—To put out 10 furnaces, which would reduce 20 men; two men from each furnace. We were going to make 70 engines in place of 130.

12394. Was that known before the election?—Not to me, certainly not.

12395. Were there a certain number of men discharged at the time to which that notice referred?—There were 20 men discharged from the works afterwards, and I have a list here of the men who were discharged.

12396. Were they all voters?—No, they were not.

12397. How many were voters?—There were 11, I think, voters out of the 20 that were discharged; five of them voted for me, and six against me.

12398. That is out of the whole number of voters who were removed?—Yes, that is so; the other men who were discharged were not voters.

12399. As a director had you anything to do with that?—Nothing whatever; no more than any gentleman upon this Committee. I have here a copy of the letter which was sent from Crewe to the foreman (I obtained it since), giving him notice that the men should be discharged, and that letter was received on the 12th of November.

12400. Mr. *Leatham.*] To what foreman was that letter sent?—To the foreman of the locomotive works at Carlisle, Mr. Worthington.

12401. Mr. *Gathorne Hardy.*] There were, I understand, about 150 voters, or rather more, in the London and North Western employ at Carlisle?—Probable there were about that number.

12402. And the removal of anybody at all was under that order from Crewe, and only applied to the furnaces?—Yes, entirely so.

12403. And that would have taken place whether there had been an election or not?—Yes, whether there had been an election or not. This is the letter from Crewe, dated the 12th of November 1868: "Dear Sir, I have received instructions to reduce the manufacture of new engines at these works from 120 per year, as at present, to 70 per year. In consequence of this, I shall not be able to send you any more orders for smithwork for new engines. You will, therefore, have to discharge your smiths engaged on this work; and this, I suppose, will make a reduction of about 10 fires;" that is from the establishment at Crewe, and it is signed by Mr. Stubbs; Mr. Ramsbotham is at the head of the locomotive department, but it is not from him; it is written by his order, I presume.

12404. Mr. *Leatham.*] Have you ever recommended workmen for employment at either the works or the station?—Yes.

12405. That has occurred frequently, has it not?—It has occurred now and then, certainly.

12406. Is it your habit to do so?—It is not my habit to do so; but I have done so.

12407. It is well known, I presume, that your recommendation carries great weight?—I suppose it would. If I were to recommend a person who was fit for the place, I presume it would; but I generally say, "If the man suits you," if I do recommend anybody.

12408. Mr. Armstrong is the foreman, is he not?—No, Mr. Worthington is the foreman of the locomotive works.

12409. Mr. Armstrong, the chairman of the ward committee, has no connection with the works?—None whatever.

12410. You say that the letter from Crewe was dated the 12th of November; when did the election take place?—I think the election was on the 17th.

12411. The contents of that letter did not transpire, I think, until after the election?—I am told by the officer that the reason why it was not immediately made public was this: that the list of wages was made up to the previous day, which was Thursday, and this letter was received on the Friday; and this letter was not promulgated to the workmen till the following week; when the following pay day came, which was after the election, and there was no notice taken of it during the election whatever. To show that the workmen had free liberty to vote as they thought proper, I have a letter here which was written from Crewe by Mr. Rigg, who is second under Mr. Ramsbotham, dated the 13th of November 1868, from the locomotive department, Crewe station: "Sir, I send for your perusal a couple of letters from the Parliamentary candidates for Carlisle, and wish you to be good enough to make the best arrangements you can (consistent with the safe working of the traffic) for every voter in the service of this department, at Carlisle, to record his vote freely, and in accordance with his own judgment. Yours truly, John Rigg."

12412. Do you know Martlew?—I know that there is such a person.

12413. He is the foreman of the smiths' shop, is he not?—Yes, he is.

12414. Did

12414. Did he accompany you over any portion of the works?—I think he did.

12415. This is the man, I think, who induced the men to form a committee in your favour?—I do not know. I do not know that I said anything further to any of the workmen respecting their votes than what I have already said. I went into some shops and saw some men; but I did not ask one single man for his vote.

12416. Mr. *Brand.*] I understand you to say that you were induced by your committee to visit the men in the employ of the London and North Western Company?—I was.

12417. Was that against your own judgment?—It was; I would much rather not have gone into the works at all, but as I had been to some other establishments adjoining, namely, Messrs. Cowan and Sheldon, who are very large founders, and had seen the men in their works, the committee thought that, having been there and at the Caledonian Station also, I ought to pay my respects to our own workmen, and I did so.

12418. Mr. *Leatham.*] Why did you object to go to your works?—Because, at the previous election, it had been said that the screw was applied to the men, and I was determined that it should not be said, as far as I was concerned, at that time.

12419. And yet you went?—I did go, but it was by the advice of those who, I thought, were competent to advise me; but, if you will allow me to state, with regard to the London and North Western Works, I am not prepared to say exactly the number of workmen who voted for me, but I know that a large majority of them did; that I am quite aware of; but, if you will take other establishments in the town, for instance, the Maryport and Carlisle Railway, of which the Honourable Baronet, Sir Wilfred Lawson, is a director, you will find that a great many of those men voted against me and voted for the Honourable Baronet.

12420. Did the Honourable Baronet canvass them?—I do not know; I am not conversant whether he did or did not; but I only say that those voters voted for him. Upon the Maryport and Carlisle Railway, of which he is a director, there are 26 or 27 voters; and of those, 14 voted for Sir Wilfrid Lawson, 13 for Mr. Potter, and four for Hodgson. The corporations are also a body opposed to me, taken as a body, and they have a large number of voters under them in their employ, and, if you will take the list, which I hold in my hand, of the number of persons who were employed by them, you will find that there were five voted for Hodgson, 22 for Potter, and 23 for Lawson.

12421. Has your attention been drawn to Mr. Irving's evidence?—I read it.

12422. Was your attention drawn to Question No. 9362, where he is asked, "Do you know how those men voted?" (speaking of the men employed at the works); to which his answer is, "Yes; 136 voted plumpers for Mr. Hodgson, the Conservative candidate; two split between Mr. Hodgson and Sir Wilfrid Lawson; one between Mr. Hodgson and Mr. Potter, and 15 split between Mr. Potter and Sir Wilfrid Lawson." Is that substantially correct?—I really do not know; I have not looked at the poll, and cannot tell. I know that a large majority voted for me, but I cannot give the particular number. I cannot say that it is correct, because I have not analysed or counted them; I do not mean to say that it is not correct.

12423. Assuming this to be correct, of those 15 men who split between Mr. Potter and Sir Wilfrid Lawson, five were subsequently turned off?—Along with six who voted for me.

12424. Out of the 136?—I do not know; I am not conversant with it further than by a return which I received from the foreman; I knew nothing about the men being discharged, or why they were discharged, until I came to make inquiry about it, and then I found out the reason; it had nothing whatever to do with the election; I believe it is impossible for any person to tell men more plainly or more openly that they were perfectly at liberty to vote as they thought proper than I did.

12425. *Chairman.*] Who had the selection of the men that were to be discharged?—Mr. Worthington.

12426. And he was a canvasser for you, was he not?—I do not know that he canvassed anybody for me; I am not aware that he did; he voted for me.

12427. Did he accompany you when you visited the works?—It was in his office where the show of hands took place, I believe.

12428. Did he show in any way at that time that he was a supporter of yours?—Not the least that I know of, I do not think he did, further than being with me; I do not remember that he spoke to any of the men.

12429. Were you aware that he was a supporter of yours?—Yes, he always has been.

12430. Was it known at the time of your visit that there would be any reduction of hands?—No, I did not know it myself.

12431. You do not know whether it was known in the works or not?—No, I do not.

12432. Sir *Frederick Heygate.*] Was it an order of the directors that this reduction should take place?—The order was from Mr. Ramsbotham; the board had ordered a reduction in the number of engines, and he ordered a reduction of the men in consequence. If they did not want so many engines, they did not want so many men; that order would go from the board, and he would have nothing more to say to it, but to discharge the men.

12433. Mr. *Gathorne Hardy.*] And that was in consequence of the order respecting the number of engines?—Entirely; it reduced the manufacture from 120 to 70 a year; it had nothing in the world to do with the election.

12434. Sir *Michael Hicks Beach.*] Was not this charge of political influence made at the half-yearly meeting of the London and North Western Company?—It was made to the shareholders; the honourable Member, Sir Wilfred Lawson, made it, and they would not hear him; the meeting would not attend to it at all.

12435. Mr. *Gathorne Hardy.*] Had you either the power or the will to have dismissed the men for their votes?—No, I had no such power; in fact, I have no individual power, I can only act as one of the board.

12436. *Chairman.*] Mr. Worthington had the power, had he not?—Mr. Worthington had the power in consequence of his receiving the letter from Mr. Ramsbotham at Crewe.

12437. But, practically, he had the power?—He had instructions from his superior officer to do it, and he did it.

12438. Practically, I say, Mr. Worthington had the power of selecting who were to stay, and who were to go?—Yes, I suppose he had, and he

Mr. *W. N. Hodgson*, M.P.

13 July 1869.

Mr. *W. N. Hodgson*, M.P.

13 July 1869.

gives a very good reason for the selection he made in his statement to me.

12439. Mr. *Gathorne Hardy.*] What is his statement?—That they were inferior workmen, generally, that he discharged, and men that had been a short time in the service.

12440. Mr. *Hunt.*] Is it your belief that not one man was sent away on account of his vote?—Certainly not.

12441. Mr. *Gathorne Hardy,*] Have you any written statement of Mr. Worthington's?—I have a written statement of Mr. Neale's.

Mr. JOHN SCOTT ARMSTRONG, called in; and Examined.

Mr. *J. S. Armstrong.*

12442. Mr. *Gathorne Hardy.*] YOU are a resident in Carlisle, are you not?—Yes.

12443. Were you chairman of one of the ward committees for Mr. Hodgson at the last election?—I was.

12444. Was that the ward in which the London and North Western Works are?—Yes.

12445. Was any communication made to you from some of the workpeople there?—Yes, frequently.

12446. Was that before Mr. Hodgson ever went to the works?—Yes; Mr. Hodgson intimated to us that he would not go near the works.

12447. But he afterwards did go with you, did he not?—Yes, he did.

12448. What was the reason of his going?—At the general committee meeting it was decided that as he had always canvassed the town and asked every voter at the previous elections, he should during that canvass do just the same; but he said that it was impossible for him to do so as there were upwards of 4,000 voters, but he agreed that he would canvass the large works in the town where he could find the men in their works, instead of going to their homes. I went with him to the Caledonian Works, the Glasgow and South Western Works, and the North Eastern, and returning from there we met the chairman of the general committee, Mr. Saul, of Carlisle, and a consultation took place between us three as to the desirability of Mr. Hodgson visiting the London and North Western Works. Mr. Hodgson still persisted in not going near the place, because, he said, that people would say so much about it; he would not go near them, and he did not care how the election terminated. We insisted upon his going, and at last he said, "Well, it is your proposal; I will go in the afternoon, otherwise I would go nowhere near them." I pointed out to him that if he did not go to the London and North Western Works, seeing that he had been to other works, the men would naturally say, "Oh, he has us safe under his thumb; we will have to vote as we are ordered, and he will not come to see us." I pointed that out to him, and it was at last decided that he should go.

12449. Did some of the workpeople that you visited ask you about it?—Yes, frequently. I may mention that before this a portion of the workmen in the London and North Western Company had actually formed themselves into a committee to assist Mr. Hodgson in his canvass.

12450. Did you yourself personally canvass among the men?—Yes, at their homes; never at the works.

12451. Was that a proposal on the part of the men?—Yes.

12452. Did you find them disposed to assist Mr. Hodgson, or not?—Yes, very much so; many regretted that they had not a dozen votes to give him.

12453. Mr. *Bright.*] What is your position in Carlisle, are you connected with those works?—No.

12454. Mr. *Gathorne Hardy.*] Do you live in Botchergate Ward?—No, I do not live there; I am a builder and contractor in Carlisle. I have nothing whatever to do with the railway works.

12455. Mr. *Bright.*] Do you work for the railway company occasionally?—We have occasionally, but not lately; I used to reside in that ward, and after the election in 1861, I was appointed chairman of that ward, and I think that they have always kept me there since.

12456. Mr. *Gathorne Hardy.*] Your politics have been always in that way?—Yes, always.

12457. You heard Mr. Hodgson's account of what passed with respect to the men; can you confirm it?—Yes, in every particular; with the exception, perhaps, that when the show of hands really did take place I counted the hands that were held up, and there were only 12, and one did not hold up his hand; when this man told us to hold up hands for Mr. Hodgson, I said, "A very good idea; let us hold up hands." I said that myself.

12458. Mr. *Leatham.*] In fact, you called for a show of hands?—Substantially so; this man outside called for it.

12459. Mr. *Gathorne Hardy.*] This man outside called for it, and you approved of it?—Yes; I said, "A very good idea." This one man that refused said that he might be as good as others at the day of the election, but he would not promise his vote to any man. He voted for Potter and Lawson, and he is at the works still; and he moved, I believed, a resolution condemnatory of Mr. Irving's evidence before this Committee.

12460. That was the thirteenth man?—Yes; Mr. Hodgson said that the foreman was present, but I remember that he was not present, he just merely went to tell the men; he did not come into the room where we were.

12461. Do you remember at one of the shops a man telling Mr. Hodgson that he could not vote for him?—Yes; he said that he could not conscientiously vote for any man who held to the Irish Church, and Mr. Hodgson clapped him on the back, and said, "My good man, do not trouble your conscience for the sake of me."

12462. Is that man still at the works?—Yes, he is still at the works.

12463. Mr. *Leatham.*] Was that Hodgkinson?—No; he is still there. This is another man whose name I do not remember; it was in the waggon shops.

12464. Mr. *Gathorne Hardy.*] Did you go through the works that afternoon?—Yes.

12465. Were you accompanied by any foreman or overlooker, or did you go alone?—Mr. Worthington, the head man, did not go with us at all; when we went into what they call the repairing shops, that is, the London and North Western repairing shops, we went into the smith's shop, and the head smith, Martlew, was in the shop, but

but he did not go with us round with the men, he did not even point out a single man to us. The man who really did was a lame man, a sort of time-keeper on the works, and he would just merely mention the men's names when we went round with him to tell us who they were.

12466. But he was not the foreman?—No; he is a man with one leg; he just occupies the lodge.

12467. Did you hear anything of that order for reducing the number of the workpeople before the election was over?—No, not till after the election. This man Martlew came to me after the election, and told me that he had got into a mess, he thought; I said, "What with?" and he said that there was an order come down to reduce so many men out of the smith's shop, but for fear it should be said that he used that order as a screw on the men to force them to vote for Mr. Hodgson, he did not make it public. He came to me a week after the election and told me this; and I said, "Well, how many men have you discharged?" He said that there were 20 men in all discharged, but there was only 11 of them voters, six of whom voted for Mr. Hodgson, and five voted for Messrs. Potter and Lawson.

12468. Sir *Michael Hicks Beach.*] Did I understand you to say that the workmen passed a resolution condemnatory of Mr. Irving's evidence?—Yes, since Mr. Irving gave his evidence.

12469. Have you that resolution with you?—I think one of the workmen who is here has some account of it.

12470. Will he be called?—Yes, he was at the meeting; I was not at the meeting.

12471. What was his name?—Thomas Richardson.

12472. Mr. *James.*] Was this the only occasion that you went to the works at all?—The only occasion that I went there canvassing.

12473. Did you canvass them alone, or had you anybody connected with the works with you?—We canvassed them individually.

12474. Were you ever accompanied by anybody connected with the works?—No; when I canvassed them myself, I think the solicitor was with me, and also in the ward.

12475. Was Mr. Worthington or any person connected with the works upon the district committee?—No, not on the district committee.

12476. Or upon the general committee?—No, nor upon the general committee; they afterwards formed themselves into a committee themselves.

12477. In what way?—In this way, that there was so much said about the railway screw in the papers, that they said that they would form themselves into separate committees, so that nobody need go not belonging to themselves to canvass them, and they did form themselves into a committee.

12478. But the foreman of the works, I suppose, was a member of the committee?—The foreman was not a member, I think, not Mr. Worthington.

12479. The under-foreman?—This Martlew, I think, was, but I think he was only an ordinary member; he was not chairman of the committee; I was never at the committee meetings.

12480. Mr. Hodgson, of course, does not go to the works at Carlisle often; he is personally unknown to the men almost?—Personally, there is not a man in Cumberland better known than Mr. Hodgson is to everybody.

12481. But I suppose he does not go to the workmen at the works?—No.

12482. What is your idea of that proportion of 136 voting in one way, and 15 the other; do you attribute that entirely to political opinion?—I really could not answer that; I do not know whether that is the case or not; we have had that sort of case in Carlisle, both with the corporation men and others.

12483. You do not find it general with the working classes, that the proportion is 16 to one, do you?—I find it in this way, that wherever the master's opinions are pretty well known, the men generally go with him.

12484. But you do not call Mr. Hodgson a master, do you?—No.

12485. Then that would not be the reason?—No; Mr. Hodgson is very popular amongst the men.

12486. I thought you gave me as a reason, when I mentioned the proportion, that where the master's opinion was well known the workmen went with him?—No, not as regards Mr. Hodgson. The railway company is a public body, and Mr. Hodgson cannot be a master.

12487. Then that answer affords no explanation, does it?—No, not as far as that goes. I do not know how they came to be that way; they always have been that way ever since the establishment of the works; and at the municipal elections they have always voted for the Conservative party, as a rule.

12488. How long has Mr. Martlew been there?—The works were established in 1856 or 1857, and he has been there ever since, I think.

12489. Mr. *Leatham.*] You were present, were you not, at this show of hands?—Yes.

12490. Was Hodgkinson the man who would not hold up his hands?—I think it was he.

12491. Do you remember what he had in his hands?—He had a screw-driver in his hand.

12492. Do you remember his asking you whether you wanted a screw-driver?—He held up his hands and said, "Is there anything of this astir?" Mr. Hodgson distinctly told him that there was no such thing; he said he would be very glad if the men voted for him, but if they did not, he could not help it.

12493. You never dismissed men on account of their votes, I suppose?—No, not on account of their votes.

12494. Do you know John Fenney, of Caldewside?—Yes; he is a labourer.

12495. Did you dismiss him on account of his vote?—I did not dismiss him.

12496. You were not there when he was dismissed?—No.

12497. You were not present?—No; but now I recollect this John Fenney did not start to work for us till after the election; he was not working for us at the time of the election.

12498. Was he not employed for 14 years by the Messrs. Armstrong and their father?—He was never 14 years employed by us; labourers are constantly coming and going; we have perhaps a dozen stationary labourers, but the others are employed just as trade may require.

12499. Do I understand you to say, that you were not there when your brother discharged him?—I was not.

12500. Mr. *Brand.*] I understand you to say that Mr. Hodgson is very popular with the working men in the employment of the London and North Western Company?—Yes.

Mr. *J. S. Armstrong.*

13 July 1869.

12501. And that those men are, generally speaking, Conservatives?—Yes, they are, according to their votes.

12502. Why did the Committee lay so much stress upon Mr. Hodgson visiting those men?—Simply because those men of the radical press might have said that he did not go to those men, because he had them under his thumb already; that he was a director, and that they were bound to vote for him; that was the ground.

12503. But according to your statement, if they had been left alone, they would equally have voted for Mr. Hodgson?—We expected it, but we could not tell it, of course.

12504. Sir *Frederick Heygate.*] Are there any Irish employed in those works at Carlisle?—I do not know that there are.

12505. Is there any jealousy on the part of ordinary English labourers, with regard to the Irish labourers?—No, I think not; I do not know that there are any Irish people there at all.

12506. Mr. *Hunt.*] Are you a member of the Town Council?—No.

12507. Are the town council principally Liberals or Conservatives?—I think there are five Conservatives, and the others are all Liberal.

12508. How many are there altogether?—Forty or 41; I do not remember which.

12509. Are there many minor appointments in the gift of the town council?—Yes, there is the city treasurership, the city surveyorship, and the collectorship; and those are all held by Liberals.

12510. But there are other minor appointments, are there not?—Yes; there are the street scavengers, for instance. I see by the list which Mr. Hodgson produced to-day, that of them, about five voted for him, and 23 or 24 voted for the other gentlemen, Messrs. Potter and Lawson. Then again, I think there is one list which Mr. Hodgson omitted to give in: the gasworks are in the hands of the corporation.

12511. Do politics at all help men to get appointments under the town council of Carlisle?—It appears so; I know that one man voted this last time at the gasworks who never would vote against Mr. Hodgson before.

12512. Are the gasworks in the hands of the corporation?—Yes, the gasworks are in the hands of the corporation; there were eight voted for Mr. Hodgson, and 21 for Mr. Potter, and 24 for Sir Wilfrid Lawson, out of the men employed in the gasworks.

12513. Do you know whether the members of the corporation use their influence with those in their employ?—I must leave the Committee to draw their own inference upon that subject; I know that in the case of one scavenger, who was going up to poll for Mr. Hodgson, one of the town council went and got him by the arm and pulled him away, and he afterwards voted for Potter and Lawson.

12514. *Chairman.*] Who were those members which you read just now?—Men employed in the gasworks at Carlisle; eight voted for Hodgson, 21 for Potter, and 24 for Lawson. Mr. Irving, who gave his evidence here, is chairman of the gas committee.

12515. Mr. *Brand.*] Have any of those eight who voted for Mr. Hodgson been discharged?—I do not know.

12516. Mr. *Hunt.*] Who is Mr. Ferguson?—Mr. Ferguson of the Holmhead Works, a very respectable firm.

12517. Is he a Liberal or a Conservative?—He is the chairman of the Liberal party.

12518. Are there many voters employed at that mill?—I believe there are about 130, but I can't say; I do not know exactly.

12519. Do you know whether those men came in a body to vote at the last election?—I do not think they came in a body, but I know from report that above 100 voted for Potter and Lawson, and two or three for Hodgson.

12520. Do you know how they went to the poll?—No, I do not know that.

12521. Do you know a man of the name of Nathan Farmer?—Yes, I know him.

12522. What is he?—He is a partner in another manufacturing concern.

12523. Do you know anything about how his men voted?—Nothing but from hearsay.

12524. What did you hear about them?—I saw an account in the paper last week only, that only one man out of seven voted for Mr. Hodgson.

12525. Do you know what means were taken to induce them to vote as they did?—No, I do not know that.

12526. You do not know how they were brought to the poll?—No.

12527. Were you present at the indignation meeting that was held in Carlisle?—No, I was not.

12528. Do you know as a fact that the Liberal employers of labour in Carlisle used very great influence with their workmen to induce them to vote for the Liberal candidates?—I know that whenever they are Liberals the workmen generally go with them; I do not like to say what power they use.

12529. Mr. *Leatham.*] You never heard of a case of intimidation on the part of a Liberal master over his workmen in Carlisle, did you?—I do not like to say that, because we hear lots of things, but I do not like to say anything that I do not know of my own knowledge; one hears lots of accounts.

12530. You never verified them, I suppose?—No.

12531. *Chairman.*] You gave the Committee just now the proportions of the men in the gasworks who voted for each of the candidates, and you said that the Committee must draw their own inference; what inference do you draw from this proportion?—You have the chairman a very strong partisan, and you have the manager a strong partisan of the Liberal party.

12532. I ask you what inference you draw?—I draw the inference that they would have to vote as they were asked to vote.

12533. On account of the proportions in which they voted?—I am just putting this against the railway company's men.

12534. How many railway employés voted for Mr. Hodgson?—According to Mr. Irving, 136. I do not dispute it; but I do not know whether it is correct or not; I have not looked to see.

12535. How many voted against him?—Fifteen or 16, I think.

12536. What inference do you draw from those numbers?—The same inference, I dare say.

12537. Mr. *Leatham.*] You have mentioned Mr. Ferguson's name, but have you ever heard Mr. Ferguson accused of putting on the screw?—One sees things in the papers.

12538. Is

12538. Is it stated in the papers that he put on the screw?—I have seen it stated in the opposing papers. I do not mean to say that he did it.

12539. You do not believe that he did?—I do not say that.

12540. Mr. *Gathorne Hardy.*] Do you think there is a sort of *esprit de corps* in the different establishments to go the same way as the leading members?—Yes, I think so.

Mr. *J. S. Armstrong.*

13 July 1869.

THOMAS RICHARDSON, called in; and Examined.

Thomas Richardson.

12541. Mr. *Gathorne Hardy.*] YOU are a breaksman in the employ of the London and North Western Railway Company, are you not?—I am.

12542. Were you at the meeting which took place in consequence of Mr. Irving's evidence?—Yes.

12543. Was that largely attended?—Very largely.

12544. Who called the meeting?—It was the general feeling of the men.

12545. Who took the chair at it?—Arthur Woodhouse.

12546. Is he one of the workmen?—Yes.

12547. Do you know how he did vote?—He had no vote.

12548. Were nearly all those who had votes there?—Yes, I think so.

12549. Were some that voted both ways there?—Yes.

12550. Did one of those who moved one of the resolutions vote for Sir Wilfrid Lawson and Mr. Potter, do you remember?—I cannot say.

12551. Thomas Hodgkinson, for instance?—Yes, I believe he did.

12552. Was the resolution carried?—Yes; I do not know whether he moved it or seconded it.

12553. But he spoke in favour of one of the motions?—The resolution which Hodgkinson moved was for a copy of the report of the meeting to go to the "Carlisle Patriot," and the "Carlisle Journal"; I believe that was it.

12554. Was this resolution carried: "Resolved—That, in justice to those who have been so falsely slandered by Mr. John Irving, steps be taken to bring the real facts before the Parliamentary Elections Committee"?—Yes.

12555. Is it in consequence of this resolution that you have come here?—Yes.

12556. Did you yourself hear Mr. Hodgson express any opinion to the workpeople as to any coercion being exercised towards them?—Not any whatever.

12557. Do you remember what he said?—Yes; I went along with Mr. Hodgson to the Caledonian yard, the Citadel station, the waggon works, the creosote works, before we went to the locomotive department, the engine shed.

12558. Did Mr. Hodgson tell the workmen that he saw, that they were perfectly at liberty to vote as they pleased?—I heard him say so on several occasions during our visit through the works.

12559. Sir *Michael Hicks Beach.*] Did that meeting represent the unanimous feeling of the workmen?—It did.

12560. Mr. *James.*] Did you take any part in canvassing the workmen at all?—Yes; I was on one of the ward committees.

12561. Is it your idea that the political opinion of the workmen in the establishment is fairly represented, that 136 of them are Conservatives, and 15 Liberals?—Yes, I believe so; I believe a great many more would have voted for Mr. Hodgson, had it not been for the blue party coming round; and when they went to a house, if they inquired and found out that a man was going to vote for the Conservatives, they said, "Oh! I suppose you are a railway man;" and when the man gave answer, "Yes"—"Oh! the screw is on; it is no use waiting any longer here." The blue is the Liberal party.

12562. Was that said by the Liberal party?—Yes, at several places they said so.

12563. And they said so, according to your view without there being the slightest foundation for it?—There was no foundation whatever.

12564. Do you think, therefore, that the 136 men all conscientiously entertained those Conservative opinions, whilst only 15 were Liberals?—Yes, I believe so.

12565. That was not the general proportion of the opinions of the working men in Carlisle, was it?—I cannot say for that.

12566. There was scarcely that proportion of nine Conservatives to one Liberal?—That was the general feeling amongst the men, I think, to vote for Mr. Hodgson. I canvassed the men personally at their own homes, and I had a particular desire for Mr. Hodgson to come round; it was me that impressed upon Mr. Hodgson to come.

12567. From that canvass, do you think that, if they had been placed in any other town, the men would have voted for the Conservative candidate?—I cannot say.

12568. Was it from their appreciation of Mr. Hodgson's personal qualities?—Mr. Hodgson, in general, is very well respected amongst the men in the town.

12569. Not more amongst railway men than other men?—No.

12570. Why should the railway men have voted in such a proportion, any more than the workmen in other establishments?—I cannot say that.

12571. Do you think that it was all done from political conviction, or from the fact that Mr. Hodgson was a director of the railway, and known to be so to the men?—I do not know.

12572. Mr. *Leatham.*] Was there an amendment proposed at that indignation meeting?—I believe that it was proposed that a copy of the resolutions of the meeting go to the "Patriot;" then I believe there was an amendment, that it should go to the "Patriot" and the "Journal."

12573. Was it only with reference to that point that an amendment was proposed?—I believe that was it.

12574. You spoke of Hodgkinson having spoken at this meeting; are you aware whether he has subsequently written to the paper to correct the report of the speech made by him, and what happened there?—I believe he made some slight alterations, but I really cannot tell; I am not prepared to say what it is now.

12575. Have you not read his letter?—Yes; I read his letter, but I have forgotten what it was.

Thomas Richardson.

13 July 1869.

12576. You canvassed a good deal for Mr. Hodgson, did you not?—I did.

12577. Were you many days employed in canvassing?—Not so long; I do not know exactly.

12578. Was it a week?—I did a great deal of it at nights.

12579. Did you do a good deal of it during the day?—Yes, night and day.

12580. Did they stop your wages while you were canvassing?—Yes.

12581. They stopped your wages, did they?—Yes.

12582. For how many days?—I cannot exactly say, I am sure.

12583. Do you know Robert Nerison?—No; if he is a railway man, I do not know him.

12584. Do you remember telling anybody, when the canvassing party was coming out of the London and North Western works, that the Liberal party had not the privilege to canvass the works?—No, never.

12585. You did not say that?—No.

12586. Were the men asked to meet Mr. Hodgson in the reading-room?—I do not know; not to my knowledge. Mr. Hodgson was standing outside the works, and the foreman, Mr. Worthington, advised him to go inside, as it was such a very rough cold day, and a few of the men went in to him.

12587. But the men were not asked to meet him in the reading-room?—I cannot say; I did not hear them.

12588. Mr. *Brand.*] Can you not tell the Committee for how many days your wages were stopped?—I cannot say exactly.

12589. What are your wages?—Thirty shillings a week.

12590. Who pays your wages?—Mr. Wender pays my wages.

12591. Could he tell the Committee for how many days your wages were stopped?—I do not know that he can.

12592. Mr. *Bright.*] They generally keep books, I suppose, at the railway, do they not?—For a certain time, I think; it would be very difficult to find them now.

12593. Mr. *Brand.*] With respect to this indignation meeting, was it composed of men in the employ of the London and North Western Company?—Yes.

12594. How was it called?—It was called by a placard.

12595. Who signed the placard?—I do not know; I do not remember seeing the signature to it.

12596. Was there any meeting of working men at which it was determined to issue this placard?—The men were talking about it, amongst one another, that there ought to be something of the sort.

12597. Who gave the order for printing the placard?—It was not printed; it was wrote out.

12598. Who wrote it out?—I cannot say.

12599. You cannot say that there was any preliminary meeting of working men, at which it was decided to write that placard?—No, I cannot say; it was the general feeling amongst the men.

12600. Mr. *Leatham.*] Was not Mr. Hodgson at the works the day that the placard was written?—I think not; in fact, I did not hear of it.

12601. Sir *Frederick Heygate.*] Do you belong to the Mechanics' Institute at Carlisle?—No.

12602. Do you belong to the reading-room where mechanics principally resort in Carlisle?—I do not belong to it; but I have been in the room.

12603. Do you know anything about the papers that are taken in there?—Yes; I believe there are five Liberal and two Conservative papers, and the weekly "Patriot."

12604. Is that a proof of the politics of the men who go to that reading-room?—I do not know; I believe that the committee has the arranging of those things.

12605. *Chairman.*] Do you know the men who were dismissed a short time after the election?—No.

12606. None of them?—No. I know a great deal of the men. I know McGrath; he was dismissed, but he was taken on again about 10 days after, in the place of a man that was sick, and he is on now still at the works.

12607. At the time when those men were discharged, was there much conversation amongst the workmen about it?—I never heard any conversation about it; not till Mr. Irving's statements came out.

12608. Mr. *Hunt.*] Was this meeting called by any foreman, or by anyone in authority, at the works?—No.

12609. It was the men's own doing, was it?—Yes. I was one of the party myself that called it.

12610. Were any persons in authority at the works present at the meeting?—No.

12611. Who was in the chair?—Woodhouse.

12612. What is he?—He is a fitter.

12613. Was Hodgkinson, the man who would not hold up his hand for Mr. Hodgson in the shed, present at the meeting?—Yes.

12614. Did he make a speech?—Yes, I believe he did.

12615. Is this a correct account of what he said: "Mr. Thomas Hodgkinson (fitter) said he had been on the works several years, and he voted for the Liberals at the election. Having so voted, he could safely say that every man had his own free will in the exercise of his franchise; at least if a man did not vote as he liked, it was altogether his own fault, for there was no coercion or intimidation of any sort"; do you know whether that was the substance of what Hodgkinson said?—Yes, I believe that is about it; in fact, it was the general opinion of the men, when the newspaper came out, that that was very near the truth; very near what he said.

12616. You have mentioned a man named McGrath, who was discharged and taken on again; did he make a statement at that meeting?—Yes, he said that he was not discharged through voting.

12617. Is this a correct account of what he said: "He was discharged on account of the slackness of work, and not through his politics. Ten days afterwards he was re-engaged in place of a man who was on the sick list"?—Yes.

12618. "And an influential gentleman used his influence to get him the vacancy"?—Yes, I believe that is what he said.

12619. That "he never asserted that he was taken back to prevent representation being made to Crewe"; do you know whether he said that?—No, I do not remember.

12620. Was this resolution passed: "That this meeting, composed of the workmen employed in

Thomas Richardson.

13 July 1869.

in the London and North Western works, has read with astonishment and indignation the statements made by Mr. John Irving before the Parliamentary Elections Committee, and hereby repudiates, as false and calumnious, and a gross insult both to ourselves and to our employers, his assertion that undue pressure was brought to bear upon any workman at the late city election, either by Mr. Hodgson, M.P., or any of his friends, or by any of the employés of this company"?—Yes.

12621. Were there any hands held up against it?—Not one.

12622. Do you know how many persons were present at that meeting?—I counted them as 140.

12623. Was there entire unanimity upon the matter?—Yes.

12624. Mr. *Brand.*] You stated, in answer to the right honourable gentleman, that you were one of the men who called the indignation meeting?—Yes.

12625. Who joined with you in calling that meeting?—I cannot say now.

12626. Mr. *Leatham.*] Can you mention a few of the names?—I really cannot say.

12627. Did you get it up entirely yourself?—I did not write it out.

12628. But you wrote out the resolution which the right honourable gentleman has read to you?—Yes; I wrote all the resolutions out, but I did not post the notice up at the time.

12629. And you do not know who wrote the notice?—No.

12630. Mr. *Brand.*] What do you mean to convey to the Committee when you say that you were one of those who called the meeting; what do you do when you call a meeting?—We were wanting to exonerate Mr. Hodgson from all blame.

12631. What steps do you take when you call a meeting; do you consult with any of your fellow-workmen?—Yes, but I cannot say now; there was a great number altogether.

12632. Cannot you name any individual that you consulted with at all?—I cannot.

12633. Sir *Frederick Heygate.*] Did you talk the matter over with the other workmen?—Yes, we talked it over.

12634. And they agreed with you?—Yes.

12635. Mr. *Brand.*] And you originated this movement yourself?—No, not myself.

12636. Then who did?—We originated it amongst ourselves.

12637. Mr. *Leatham.*] Do you remember Hodgkinson saying at that meeting that the greatest mistake that Mr. Hodgson made during the election was to visit the works at all?—Yes, I do.

WILLIAM CORBETT, called in; and Examined.

W. Corbett.

12638. Mr. *Leatham.*] YOU are a workman, are you not, employed in the London and North Western Railway Company's Works?—Yes.

12639. Have you any means of knowing what the general political feelings of the workmen in those works were when Mr. Hodgson visited them?—Yes; I had an opportunity of knowing the feelings of the workmen in consequence of working with them, coming in daily contact with them, and having repeated conversations with them with respect to political matters.

12640. Mr. *Bright.*] What is your particular employment there?—I am an engine-fitter.

12641. Mr. *Leatham.*] Do you know what kind of reception Mr. Hodgson's canvassers met with when they visited the works on the 5th of November?—Yes; I was present at the works on that day, and from what I knew of the men and their views prior to the visit of those canvassers, I know and am certain that they were decidedly Liberal in their views. I am speaking now more particularly with reference to the repairing shops, where the engines are repaired. Prior to the visit of canvassers who visited the works, the decided majority of the workmen who were voters were in favour of the Liberal candidates; and when the canvassers visited the works and canvassed the men, the reception that they met with was not at all according to their anticipations; they were very much disappointed with the result of their canvass, as was expressed by their stating, at the different concerns that they visited, towards the close of their canvass, that some one had been influencing them.

12642. Mr. *Hunt.*] Who were those who said that?—Mr. Hodgson's canvassing party who visited the works on the 5th of November, and who met with such a reception. It was so very much contrary to their expectations, that when they came near to the close of their canvass they asked some man that they were canvassing whether some one had been influencing them, as they expected that they would have been for Mr. Hodgson to a man.

12643. Mr. *Leatham.*] Do you remember Mr. Hodgson's visit on the 9th of November?—Yes.

12644. Are you aware whether he canvassed personally any of the electors?—He canvassed several of the electors personally.

12645. Can you mention their names?—I could do so if it was necessary; I could mention the names of nearly a dozen that Mr. Hodgson canvassed on the works.

12646. Are you aware whether he tried to induce them to vote contrary to any pledges which they had given?—I believe Mr. Hodgson, as a gentleman, canvassed them fairly; he sought to do the best he could for himself and for his party, and I do not know that in any case he used any undue influence apart from the consideration of his being present at all in the works; that in my opinion, and in the opinion of many others, was sufficient of itself; I may say that in canvassing the men when they told him that they had pledged themselves to go the other way, he endeavoured to reason with them, and expressed himself as desirous that they should give him, at least, one vote; this was in reference to men who had pledged themselves to go for the two Liberal candidates; I do not say that there was anything unfair in Mr. Hodgson endeavouring to secure votes for himself; but you see the influence he carried with him in visiting the works as a director.

12647. Do you know anything about the formation of the committee, which was held at Halls?—It was formed, I believe, the evening after the visit of Mr. Hodgson to the works, and it was formed under the auspices of the Conservative party connected with the works; and I

W. Corbett.
13 July 1869.

may say with reference to that committee, that it was to consist, of course, of Conservative members, and that one of the foremen of the works was constituted chairman of that committee.

12648. What was his name?—Thomas Martlew, the foreman of the smiths.

12649. He was the same person, was he not, who accompanied Mr. Hodgson on a part of his canvass?—Precisely so.

12650. Are you aware of any instances in which those men endeavoured to coerce the workmen?—Yes, I am.

12651. Will you give them to the Committee?—Yes, I can mention the names of specific cases if the Committee desire it; but I would rather leave out the names.

12652. Mr. *Hunt.*] Did you hear the conversation between this man and the workmen?—No.

12653. How did it get to your knowledge?—You must understand me that I had it from the men themselves.

12654. The men that you say were coerced told you?—Yes; in fact, I can produce a writing from two of them to the effect that they were coerced in this way. I do not inculpate Mr. Hodgson in this. I am speaking with reference to the foreman of the smiths.

12655. Mr. *Leatham.*] You have had a good deal of conversation with the men with reference to their votes, have you not?—A great deal.

12656. Are you aware of any instances in which the men told you that they had voted against their conscience?—Yes.

12657. In consequence of the influence that was brought to bear upon them?—Yes.

12658. How many should you suppose?—I could mention nearly a score out of the 136 who voted for Mr. Hodgson, who have expressed themselves to me, and not only to me, but to others, as having gone against their conscience; that in consequence of the influence that was brought to bear upon them they violated their principles, and went and voted against their conscience for the sake of their bread. There is one case in particular that I would like to refer to, and that is a case of a man who is prepared to take his oath with reference to this matter, and he would be willing to submit to any official investigation which might be held with regard to the intimidation that was used towards him. That man, when the first batch of canvassers came to the works to canvass, refused to give his vote to Mr. Hodgson, and told the canvassers that he was pledged to Messrs. Potter and Lawson; when Mr. Hodgson visited the works that same workman told Mr. Hodgson that he was pledged to vote for Potter and Lawson, and that he could not support him. Mr. Hodgson spoke very kindly to him and left him, and notwithstanding that this man had refused his vote to Mr. Hodgson's canvassers, and then to Mr. Hodgson himself, the very next night when that Conservative committee was formed, this man was upon that committee, and pledged to give his support to Mr. Hodgson; and that man told me in the presence of another individual that he voted yellow, which is the Conservative colour, but he was blue at heart; but he was obliged to do it in consequence of the influence which was brought against him. And there are several other cases quite as clear.

12659. It was represented to Mr. Hodgson, as he has told us, that it was the desire of the men to see him at the works; were you aware of that?—I never heard of any such desire; I know that when there was such a strong feeling in favour of the Liberal candidates we were threatened with Mr. Hodgson's visit to the works, and we were threatened that Mr. Hodgson would be with us if we did not do something different.

12660. When you say "threatened," do you mean by persons in authority?—I mean by persons who were leaders in the Conservative interest.

12661. Foremen?—No, not foremen.

12662. Mr. *Bright.*] You do not mean that it was intimated to you in the way of a threat?—I mean what I say; it was held over us as a threat.

12663. Mr. *Leatham.*] Are you a member of the reading-room?—Yes.

12664. Are you aware what the papers are that are taken in there?—In the statement which Mr. Irving has made, his report is correct with respect to those papers; that is to say, the papers that were taken in at the time during the election; there has been an alteration since. The papers referred to at the indignation meeting are the papers that are taken in now; but the papers that were really taken in at the time of the election were just exactly as Mr. Irving states in his evidence.

12665. Is there any other point to which you wish to call the attention of the Committee?—There are several other minor matters, but the great point with me is this, that men were influenced to go against their honest convictions.

12666. Mr. *Brand.*] Can you give us any information with regard to this indignation meeting?—I was not present.

12667. You do not know how it was called?—It was called by notice; a notice was posted, similar to other notices that are posted in the works, and any notice that was official, or to be observed by the workmen, must have the superintendent's signature attached to it; I am not prepared to say that the superintendent's signature was attached to this notice; but I am prepared to state that it was written out by the clerk, and was in his handwriting; I did not take particular notice of the signature, because I did not feel indignant enough to go to the meeting, and I did not take much interest in it at all.

12668. Mr. *Leatham.*] Were you invited to the indignation meeting?—I was.

12669. You were not there, I believe?—I did not attend.

12670. Did you state the reason why you did not go?—I did.

12671. What was it?—I was requested to attend the indignation meeting by the locomotive superintendent.

12672. *Chairman.*] In what form were you requested?—Verbally.

12673. What sort of words did he use?—I was busy working, and he came to me, and he says, "Well, Corbett, I want you to attend this indignation meeting to night." I said, "Well, I do not feel disposed to attend the meeting, Sir." He said, "What for?" "Well," I said, "I do not see the use of it;" I says, "you know very well that it is all a heap of nonsense talking about indignation meetings for us;" I said, "you know as well as I do, that things was not done fair." I said, "I do not feel disposed to attend the meeting, neither shall I." "Well, then," he says, "you will have to sign a paper." I said, "That altogether depends upon what the paper contains."

He

He says, "You will have to sign a paper that there was no undue influence used in those works." I said, "I will sign a paper stating that there was no undue influence used with me as an individual, but," I said, "I will never sign a paper to state that there was no undue influence used with others; I could not do it."

12674. Mr. *Leatham.*] Did he threaten you with any consequences, if you refused to sign that paper?—Yes; he said I would have to sign it, or I would have to make up my mind to be discharged.

12675. Mr. *Brand.*] Was any opinion openly expressed by the workmen as to this notice?—A great many of the workmen were strongly opposed to the meeting altogether.

12676. Did they consider that this notice was by way of an order for them to attend the meeting?—I do not know that they looked upon it in that light, only all the officials were present at the meeting, and the fact of their presence was sufficient to induce a great many to stay.

12677. Did they know that the notice was written out by the clerk of the superintendent?—Undoubtedly, many would know his handwriting as well as I do.

12678. Was the superintendent, Mr. Worthington?—Yes.

12679. Mr. *Bright.*] You said that this person, who wanted you to go to the meeting, said that unless you were willing to sign that paper you might make up your mind to be discharged?—He did.

12680. You adhere absolutely to that statement?—Yes.

12681. Will you consider it thoroughly, and examine your memory?—I have done so.

12682. Sir *Frederick Heygate.*] Who was he that said so?—Mr. Worthington, the superintendent.

12683. Mr. *Bright.*] Are you now working in the same works?—Yes.

12684. Are you still a fitter?—Yes.

12685. Sir *Frederick Heygate.*] You have received no notice?—No; I turned to him and I said, "What is that; you do not mean what you say, surely; you do not mean to discharge me?" "Well," he says, "perhaps I do not, after all." It is only fair that I should say that he said that.

12686. Were you under any apprehension that he meant to discharge you?—No, not at the time.

12687. You did not believe that he was serious?—No; because I knew he would not do it for any such thing.

12688. You attached no importance to what he said?—No; but still as a gentleman, and the locomotive superintendent for an important Company like the London and North Western, he is expected to be a man of his word.

12689. Still you did not think that he would carry it out, his word, in that case?—I hardly expected he would, but he might have done so.

12690. *Chairman.*] Has any paper of that sort been given to the men for signature?—No, there has been no paper of that kind presented for signature.

12691. You have not heard of any such paper being handed about?—No.

12692. Were the greater part of the men present at this meeting?—Yes, I should think so; a great many of those that were present were non-electors.

12693. Do you know anything about the discharge of the 20 men which followed the election shortly?—Yes, I know something about it; I know that there was a notice served from Crewe to the station at Carlisle that so many men had to be discharged, and I know that that notice for the discharge of those men was kept, or at least it was endeavoured to be kept, a secret; but, by some means or other, it oozed out, and the report got circulated that so many men were to be discharged, and it had a very strange effect upon the men. It was represented as being a blue dodge (that is, a Liberal), to get some men who had promised to vote for Mr. Hodgson to come to the other side; and there were others, again, who represented it as being a Tory dodge. There the matter stood, and they denied that any such notice had come from Crewe.

12694. Mr. *Leatham.*] Who denied it?—The authorities; the foreman of that department denied that any such intimation had come from Crewe.

12695. Are you positive of that fact?—I am.

12696. *Chairman.*] Is it true that six of the men who were discharged voted for Mr. Hodgson?—Yes.

12697. Is it true that five who were discharged voted against Mr. Hodgson?—Yes; it is also true that those five were all the five that could be discharged that had voted for the Liberals.

12698. Being the only men of that class who were being discharged?—Just so.

12699. Have you heard it said that those men were discharged on account of their votes?—The men say so themselves.

12700. Has one of them been taken back again?—He has.

12701. Who is that?—McGrath.

12702. He was present, I believe, at the meeting?—I suppose so; I was not present at the meeting; I cannot speak with reference to this meeting any further than from the report which I have read in the papers, and what I have heard. The general opinion of the men in the place that were present at the meeting, is that it was a very unfair report.

12703. Did he not deny at the meeting, or is he not reported to have denied at the meeting, that his discharge had anything to do with politics?—He is reported in the paper to have denied it; but those who were present at the meeting say that he has never denied it yet.

12704. Do you know why he was taken back again?—I do not.

12705. Mr. *Hunt.*] You are a voter, I suppose?—Yes.

12706. Whom did you vote for?—The two Liberal candidates.

12707. Have you suffered any harm in consequence?—No.

12708. You say that there were three men to your knowledge that were coerced by the superintendent?—I do.

12709. Why were they not brought up here?—I cannot tell.

12710. Why do you come up here to give evidence when you suffered no harm, and you were not attempted to be coerced?—I came up here because I was summoned to come, and I took a leading part on the opposite side.

12711. Who suggested that you should come?—There

W. Corbett. 13 July 1869.

—There were several parties suggested that I should come.

12712. I suppose some of the Liberal party suggested that you should come?—Yes.

12713. Did you tell them about those other men being coerced?—The men told them themselves, it was the subject of general conversation.

12714. Did those men who wished that you should come, know the names of those who had been coerced?—Possibly they might.

12715. Do you know whether they applied to them to come to say so?—I cannot say that; I can say this, and I believe I am correct, that the men would come if you asked them.

12716. I want to know why they were not brought?—I do not know.

12717. You say that Mr. Hodgson used no undue influence when he came around?—No further than his presence, his presence had an influence.

12718. Did Mr. Hodgson address you when he was there?—No, he did not.

12719. Did you hear what he said to other people?—Yes, I heard from the men what he said to them.

12720. You did not hear anything tending to undue influence in what he said?—I heard that he had endeavoured to induce them to break their promise; he argued the question with them.

12721. I suppose you know what canvassing is, do you not?—Yes.

12722. You know that that is the general way of canvassers; they think that the matter has not been fully put before the elector, and they wish to put their view before him as well as that of the other side?—Just so.

12723. Do you know whether those men who were coerced, and who, you say, complained to you that they had been coerced, attended that indignation meeting?—I do not know whether they did or not, I did not hear; perhaps they might; I could not say; I never inquired whether they did or not.

12724. Have you any expectation of suffering any harm in your employment from the evidence which you have given here to-day?—I expect not.

12725. *Sir Michael Hicks Beach.*] Who are the members of this Mechanics' Institute, are they all workmen of the railway?—Yes.

12726. Does the institute comprise any other members besides?—No, none but railway employés.

12727. How many of those London and North Western Railway employés are members?—Not so many now; the principle has been altered; at one time it was compulsory upon everyone to be a member of the reading-room, and there were so many complaints with reference to this matter that it was altered, and made voluntary.

12728. *Chairman.*] Complaints with reference to what?—There were so many complaints about being compelled to be members, and about the money being stopped off their wages, whether the men were willing to be members or not.

12729. Sir *Michael Hicks Beach.*] A statement was made at the indignation meeting that there were 154 men employed by the railway company who were voters, but that there were only 35 men who were members of the Mechanics' Institute who were voters; should you say that that statement was correct?—I should say so; I should not feel disposed to contradict it; I could not say for certain.

12730. Might it not be the case that the members of the Mechanics' Institute might hold one kind of politics while the majority of the employés of the railway company hold quite a different kind?—It is possible.

12731. Therefore the papers taken in by the Mechanics' Institute would not necessarily determine the politics of the railway company's workmen?—No; but they would give some idea of the politics of the men that had the choice of the papers.

12732. In the proportion of 35 to 154?—Yes; but you forget that those papers were taken in at the time when the coercion principle was in operation, when all the workmen were obliged to be members; there was no alteration in the papers till after the election.

12733. Was every workman a member at that time?—Yes, every workman; at least, all the workmen in the repairing shops; I am not certain about the Permanent Way Department.

12734. But those 154 workmen who were voters were not all members?—No.

12735. Mr. *James.*] What department was it that those men were dismissed from?—The smith's department.

12736. How many were there in the smiths' department, do you know?—I did know the number at the time, but I forget now.

12737. I understand that 11 men were dismissed from that department?—Yes.

12738. How many voters in the whole of that department voted against Mr. Hodgson?—Six, I believe.

12739. And were they all dismissed?—Five of them were.

12740. McGrath was dismissed in the first instance; but he came back, I believe?—Yes, he came back.

12741. But they were all dismissed in the first instance, were they not?—No, there was one that was not dismissed at all.

12742. But the five others were dismissed?—Yes.

12743. You do not know about how many men in that department were voters; were there 40 or 50, or how many would there be?—I do not know exactly.

12744. Mr. *Brand.*] You said, I think, that you were a fitter?—I am an engine-fitter.

12745. Have you been working in that capacity long?—Yes, I have been 11 years working, or rather over-working, under the London and North Western Railway Company.

12746. May I ask what your wages are?—Twenty-eight shillings per week.

12747. Have they been increased of late years?—They have been increased; it is about two-and-half years ago since they were advanced.

12748. Have you any men working under you?—No; I have an apprentice working under me.

12749. Mr. *Leatham.*] You say that one man who voted for Potter and Lawson was kept on out of the six; do you know any reason why he was kept on?—I believe it was the result of a mistake; I have heard it said so; I cannot vouch for the accuracy of it. It was always understood that he had voted for Mr. Hodgson, but when the poll-book came out it was seen that he had voted for Messrs. Potter and Lawson.

12750. Has the attention of the men generally been drawn to Mr. Irving's evidence before this Committee?—Yes.

12751. Are

W. Corbett.
13 July 1869.

12751. Are you prepared to state what their opinion generally is, from conversation with reference to it?—The opinion varies; a great many are of opinion that what Mr. Irving has stated is substantially correct.

12752. By a great many, do you mean the majority?—Yes; I can safely say the majority.

12753. Mr. *Hunt.*] Have you heard that a great many are very indignant at what Mr. Irving said?—No, I have not

12754. Did you hear the men talk about what took place at that indignation meeting?—Yes.

12755. Did not you hear that very strong expressions were used about Mr. Irving's statement at that meeting?—I did; and I heard that there were statements on the other side which were not reported.

12756. Were shorthand writers present?—No.

12757. How did the speeches get into the paper?—I do not know; they were prepared by some parties.

12758. Are you aware that the meeting was unanimous in the resolutions that they passed?—I am aware that the report says so; of course they were unanimous in a way; several were neutral and refrained from voting.

12759. Did you hear the evidence given by Mr. Richardson, the witness who was examined before you?—Yes, I heard his evidence partly.

12760. Did you hear him state that he was present at the meeting, and that the resolutions were passed unanimously?—Yes; I did.

12761. Have you any reason to believe that his statement was not correct upon that point?—I have heard others say that there were many of the workmen neutral, and who never voted at all.

12762. Who did not hold up their hands either way?—That is so.

12763. Mr. *Bright*] Did any absent themselves besides yourself?—Yes, several.

Mr. John Irving, re-called; and further Examined.

J. Irving.

12764. *Chairman.*] I understand that you wish to correct some of your former evidence?—Yes; I wish merely to give some explanation of a statement which I gave in answer to Question No. 9366. I was asked, "Do you know whether the great bulk of those 154 voters are members of that Mechanics' Institute?" And I said, "They are chiefly." The period to which I referred was prior to the election, when a different state of things existed to what exists now. At the time that I referred to, every workman in the employment of the company was obliged to leave a penny per week out of his wages in support of that institution; now it is voluntary. The statement referred to by Woodhouse, the chairman of the meeting, that there were only 35 or 54 members, whichever it was, is perfectly correct; that accounts for the difference between the statement which he made and the one that I made.

12765. Sir *Michael Hicks Beach.*] You cannot state the exact number who were members of that Mechanics' Institute out of the 154?—I believe that every man was obliged to be, by the rule in the works, a member of the news-room.

12766. You heard what the last witness said, that that applied to a portion of the works, but not to all the 154 who were in the company's employ?—I so understood it; and that information is fortified by the superintendent himself. I saw him last Friday upon the subject. A statement was made at the meeting that I had reported that only one Conservative daily paper had been taken in; at the time to which I referred there was only one, namely, the "Standard," but in March of this year an order was made for taking in the "Manchester Courier" in addition.

12767. *Chairman.*] You adhere to the rest of your evidence?—Entirely.

Friday, 16*th July* 1869.

MEMBERS PRESENT:

Sir Michael Hicks Beach.
Mr. Brand.
Mr. Bright.
Mr. Cross.
Mr. Edward Egerton.
Mr. Graves.
Sir George Grey.
The Marquis of Hartington.
Sir Frederick Heygate.
Mr. Staveley Hill.
Mr. James.
Mr. Leatham.
The O'Conor Don.
Mr. Raikes.
Mr. Villiers.

THE RIGHT HONOURABLE THE MARQUIS OF HARTINGTON, IN THE CHAIR.

Mr. THOMAS BROUGHTON EDGE, called in; and Examined.

Mr. *T. B. Edge.* 16 July 1869.

12768. Mr. *Raikes.*] I BELIEVE you are a Member of the Middle Temple?—I am.

12769. You practised at Bolton, for several years, as a solicitor, did you not?—Yes, for upwards of 11 years.

12770. During that time, had you much experience of elections?—Yes, I have had considerable experience of elections.

12771. Both Parliamentary and municipal?—Yes, both Parliamentary and municipal.

12772. And county and borough, as well?—Yes, county and borough.

12773. Is it your experience that, in Bolton, there is a great amount of irregular or illegal practices at elections?—I believe not, as a general rule.

12774. At the municipal elections, has it ever been the custom to pay voters for their loss of time?—Yes, it has almost been the general custom on both sides.

12775. That is not supposed, I believe, particularly to affect a man's vote; but he looks for it as a sort of privilege?—As a compensation for his loss of time.

12776. And it is done as a matter of course?—It is.

12777. But, with that exception, there has been nothing common in the way of bribery in the ordinary form?—No, I do not believe there has; not to any great extent.

12778. As to intimidation, has there been much intimidation in elections there?—Not until recently; I am speaking now of the municipal elections.

12779. Sir *George Grey.*] The whole of your evidence hitherto has related to the municipal elections?—Yes, to the municipal elections only.

12780. Mr. *Raikes.*] In the Parliamentary elections, has there been anything of intimidation?—No, I do not think there has.

12781. Speaking from your experience generally of elections, do you believe that intimidation by employers, over persons whom they influence, is increasing or decreasing in elections?—Certainly decreasing; I am certain of that.

12782. To what do you attribute that?—I think there is a better public opinion upon the subject; I think that public opinion is against the practice, and employers feel that they would not like to be guilty of anything of the kind.

12783. There is a more independent feeling among the workmen, is there not?—Quite so.

12784. Is there any other sort of intimidation prevalent in the Parliamentary elections?—No, I am not aware of any.

12785. Sir *George Grey.*] None by workmen themselves over their fellow-workmen?—No, I am not aware of any.

12786. Mr. *Raikes.*] At some elections in Lancashire there was a good deal of political feeling; was there nothing of mob violence or rioting?—At the last municipal election for Bolton there was a considerable amount of mob violence.

12787. Was that on both sides?—No, I do not think it was on both sides; I think it was confined to one side alone.

12788. What shape did it take?—One shape was the assembling of men, armed with sticks and in various fashions, in the polling booths and the approaches to the polling booths, and preventing voters from going to record their votes.

12789. That was done before the voters voted; they were not subjected to violence afterwards, were they?—No, it was before they voted.

12790. I believe those municipal elections in Lancashire are generally made political matters?—Quite so; the last one especially.

12791. I believe you have been a candidate yourself for municipal honours, have you not?—Yes, I have.

12792. Was that long ago?—Last November.

12793. And that was the occasion on which you spoke of a good deal of violence having been resorted to?—Yes.

12794. The object of that violence, I understand you to say, was rather to deter the voters from voting, than to injure them afterwards?—Quite so; it was to prevent people from recording their votes, either by crowding the booths,

so that they could not get up to the polling booths, or by intimidating them as they went; there was another form of intimidation that was extensively resorted to at the last municipal election, and that was the kidnapping of voters; what is ordinarily termed bottling voters.

12795. Was that done a great deal at the last municipal election?—It was, especially in one ward.

12796. Was that much done in the Parliamentary elections at Bolton?—No; there has been that kind of thing to a small extent, but not much.

12797. Do you believe, from what you have seen of elections, that secret voting would repress any bad practices that you have seen resorted to?—I do not think it would.

12798. Will you give your reasons for not thinking so?—I think, as far as bribery is concerned, persons would be bribed just as they are at present; they would be paid bribes for their votes.

12799. Do you believe persons would bribe, having such confidence in the voter, that after he had received the money he would vote for them, even though his vote was a secret one?—Yes, certainly I think so.

12800. Are you aware of any case which bears out that opinion?—Yes; I know an instance of a town where a certain person paid the rates of the voters some two or three months before the election, and it was stated at the time that nothing was said at all about how they were to vote, but it was a very singular fact that all the persons whose rates were paid voted for the candidates who were approved of by the person who paid the rates.

12801. Sir *George Grey.*] The candidate knew that they had so voted, of course?—Yes, it was open voting certainly.

12802. Mr. *Raikes.*] But the money was paid a long time before the election?—Yes, two or three months before the election.

12803. Do you think that there would be bribery in the form of betting, or anything of that sort?—Yes, I think there would.

12804. You have some suggestion to make, have you not, with regard to voting papers?—I have devoted considerable attention to the matter, and my own opinion has been most decidedly that voting papers would be the best means of checking, at any rate, if not altogether stopping, bribery and intimidation.

12805. I believe you have thought out a scheme of voting papers; perhaps you would just give the leading features of it to the Committee?—I have thought that some modification of the plan at present in use for the election of poor law guardians might be adopted with advantage.

12806. What is the plan that you would suggest?—I would suggest that the returning officer should issue voting papers, duly authenticated with some sort of official seal, to all the persons upon the register entitled to vote; I would suggest, in order to prevent any mistake in the voter voting for the wrong person, that the names of the candidates should be printed in different coloured inks, and that the voter should be required to strike out the name or names of the candidates for whom he did not vote, and then that he should sign the voting paper either himself, or, if he was a marksman, he should sign it in the presence of a witness, who should also sign the paper; I should suggest that the voting papers should be delivered three days before the election, and that during that time all canvassing or solicitation to fill up the voting papers should be prohibited under a penalty. The great fault at present in the system of voting for poor law guardians, is that after the voting papers are delivered, persons go round inducing voters to allow them to fill up the voting papers, and sometimes they do not fill them up for the person that the voter intends to vote for, and there are also other alterations made in the voting paper that are not intended by the voter; I think that if canvassing was absolutely prohibited for the three days, and if persons were prohibited from soliciting voters to be allowed to fill up their voting papers, it would cure the great defect in the present system of voting for poor law guardians.

12807. Sir *George Grey.*] How long before the election are the voting papers to be issued?—Nine days; then I think the voting papers should be both delivered and collected by agents appointed by the returning officer; of course they should be collected in a properly sealed box, but that each candidate should be at liberty to appoint an inspector to accompany the person delivering and collecting the papers; that would prevent any irregularity in the delivery or collection of the papers; I think too that after the election the boxes should be opened in the presence of the returning officer, and the candidates' agents, and the town clerk ought to register the votes as given by each voter; that is, mark on the register the names of the candidates for whom each person has voted, and I think that a list should be published in the same way as the lists of voters are published; another fault in the present system of voting for poor law guardians is, that no one can ascertain whether his paper has been tampered with or not, unless he goes to the office of the guardians and wades through a great mass of papers; I think, too, that that plan would prevent bribery on the day of the polling, because of course no one would know how the poll was going, and, as we all know, the greatest amount of bribery takes place towards the close of the poll generally; I think also that it would prevent intimidation by mobs, and that it would prevent personation, and that it would prevent the bottling or the kidnapping of voters; that practice of kidnapping voters I believe is on the increase; and my own notion is, that if the ballot were adopted, practices of that kind would be increased; in Bolton, men were actually taken away out of the streets the night before the election, conveyed away to the committee-rooms, drugged with drink, and actually kept there prisoners by violence; great violence was used towards them; the whole matter formed the subject of a very long magisterial inquiry in Bolton, and it was a very serious case; every effort was made to trace out the persons who had committed that violence, but they were generally strangers who had been imported into the town for that purpose.

12808. Mr. *Villiers.*] How would the papers prevent that?—The papers would prevent it, because each paper would be left at the voter's own house, and of course he would fill it up, and it would be collected at his own house; those people were taken just a short time previously to the election; even before the election they were taken out of the streets, some of them.

12809. Mr. *Raikes.*] You think that a system

Mr. *T. B. Edge.*

16 July 1869.

of secret voting would of course be no protection against voters being kidnapped or kept from voting at all?—Certainly not.

12810. Whereas that system of voting papers would at all events give additional security for a man being able to give his vote?—I think so, decidedly.

12811. You would make a leading feature of this; of course the fact that no publication of the votes taking place on the polling day, no one consequently would have any idea of how the poll was going on?— Quite so.

12812. Do you consider that there would be additional protection against illegal practices in the subsequent publication of the names of the voters, and so enabling people to detect bribery, which they would not be able to detect if the system was perfectly secret?—Quite so.

12813. Sir *George Grey.*] I do not understand how you mean to distribute the papers; take a very large constituency of 40,000, such as Liverpool or Birmingham, how would you distribute the papers; by the returning officer? — All boroughs are divided into wards or polling districts at present, and the returning officer would appoint an official who would have the custody of those voting papers, and that official would go round his own ward accompanied by the inspectors appointed by the candidates, and the papers would be delivered at the residence of each voter three days before the election; then on the day of the election (of course all the officials appointed by the returning officer in those wards would go round on the same day delivering the papers) or three days afterwards would collect the papers accompanied by the inspectors, and the papers would be deposited in a sealed box.

12814. What time do you suppose it would take to collect all the papers and deposit them in a sealed box in one of the largest wards in Liverpool or Birmingham?—The whole might be done in a day very easily.

12815. By how many collectors?—Of course that would depend upon the number of wards in the borough, and the number of voting papers in each ward.

12816. Do you mean one collector for each ward?—Yes; that would of course depend upon the number of voters in each ward.

12817. He is to be appointed the returning officer?—Yes.

12818. What security is to be taken for his honesty?—The same security that is now taken with regard to the appointment of the deputy returning officers.

12819. Do not the deputy returning officers take the votes in the presence of the agents of both parties and in public?—Precisely; but the collectors of the voting papers would also take the voting papers in the presence of the agents of the candidates appointed just in the same way.

12820. Then a collector and an agent for each candidate has to be appointed for each ward to go round and collect those papers?—Quite so.

12821. I suppose the voter has to sign the paper?—Yes.

12822. In whose presence is he to sign it?—It is unnecessary to sign it in any one's presence.

12823. Then the paper having been left at the residence of the voter, and called for three days afterwards by the collector, there is to be no verification at all of the signature of the voter?—No; I think that that would be quite met by the publication of the votes as given, because, of course, it would be open then for the candidate to complain of the return, if there had been any malpractices, just as it is now if a voter is personated.

12824. How soon is the publication to take place after the election?—Immediately; it could not be done the next day, but in the course perhaps of, I should think, three days.

12825. And to be published and printed?—Yes.

12826. What means would there be of ascertaining that some of those papers had not been signed by persons who had no right to sign them?—The voter would have an opportunity of seeing how he was recorded as having voted.

12827. A voter might be in the East Indies, or he might be a sailor of Liverpool, and he might be abroad; how would you know that somebody had not signed for him?—It would just be in this way, like cases of bribery are now found out: the agent of each candidate in each ward will know, and does know very accurately, indeed, the name of every man who is either dead, or who is away from home, or who is absent on business, or permanently gone to a long distance, or a short distance; they know all that now.

12828. Do you believe that all the cases of bribery that are committed are found out by the agents of the candidates?—I believe there are many cases that are never detected.

12829. Do you not know that there is a great deal of personation in voting for poor law guardians, and in many cases it has been ascertained that there has been a great deal of fraud?—No, I do not know that there has been any very great amount.

12830. Are you not aware of cases which have been proved, in which there has been a great deal of fraud?—I know that there has been a great deal of fraud, but that has generally resulted from this, that nobody has inquired what has become of the vote.

12831. You take no security for the signature being the genuine signature of the voter, except the general knowledge possessed of him by the collector in a very large ward, and by the agents for each of the candidates?—Yes, I take this security, that it being published how the voter has voted, all his friends and neighbours, and everyone, himself included, can ascertain at once whether a voting paper has either been forged or falsified, or tampered with in any way.

12832. All the world would know how he voted?—Yes.

12833. Take the case of the payment of rates; how would your plan in the least check the bribery which you instanced as taking place under the present system, in which the payment of rates before the election influenced the vote of the person on whose behalf the rates were paid?—Of course it would not check bribery of that kind.

12834. How would it check bribery if a man had promised 5 *l.* to a voter to vote for him, and found afterwards that he had done so, and paid him the money?—It would not check a case of that kind.

12835. What sort of bribery would it check?—We find that most of the bribery is committed on the day of the polling, when the contest comes to

to be rather severe; we will say in the middle of the day, and then, of course, all that kind of bribery would be checked.

12836. That bribery, I suppose, would be equally checked by any system which prevented the state of the poll being published during the polling-day?—Quite so.

12837. Mr. *Villiers.*] I think you said that you had had some experience of the way in which votes were taken by papers in the election of guardians?—Yes,

12838. You are perhaps aware of particular frauds that are constantly practised in that way?—Quite so.

12839. I do not exactly understand what there is in your system that should prevent that; supposing that a man is either made drunk, or he is bribed, or somebody is at the time in his house to influence him, and when the paper is taken his signature is found to it, and if this man has been either corrupted or unduly influenced, what is there in your system to distinguish it from the usual fraud of that sort?—This; I think I dealt with that objection by saying that I would prohibit canvassing after the delivery of the voting papers; all my experince goes to show this, that the falsification of the voting papers, and the inducing of a man to allow another to fill up his voting paper, arises through the non-prohibition of canvassing after the voting papers are delivered; I know that it is a common system for persons to go round, or perhaps, two or three men to go round, immediately after the collector has delivered the voting paper, and ask to be allowed to fill up the voting paper; that they do openly, of course.

12840. I do not quite understand what you mean by prohibiting canvassing; you are now alluding to Parliamentary elections; there have been candidates on the ground for some weeks, or days, perhaps, and everybody is familiar with the persons who they are to vote for or against, and then you deliver the papers three days before the election, to which the voter has to sign his name; of course, if there is to be any influence, it will be used in favour of one or against another of those candidates?—Yes; but then still all that influence must have been used prior to the delivery of the voting papers, and you at once stop all canvassing, and you leave it to the voter to form his own opinion upon the subject, and to fill up his voting paper in his own way.

12841. As far as I understand you, you want to prevent canvassing and to prevent influence?—No, not so much to prevent influence as to prevent the improper filling up of the voting papers.

12842. The candidate may have used all the influence that is necessary with the voters before the papers are delivered?—Quite so.

12843. Then the voter would know what he has to do if he is a corrupt person?—Yes; I do not mean to say that this voting paper system would prevent bribery prior to the delivery of the voting papers; I only say that it will prevent bribery upon the day of the polling, which is the day upon which the greatest amount of bribery is committed.

12844. It would not prevent expectations being raised in the voter, in case he votes this way or the other way?—No, certainly not.

12845. The last act that he would have to perform in order to secure the bribe is to put his name to the paper?—Yes, quite so.

12846. His wife, or anybody who was on the spot, might guide his hand or induce him to vote either one way or the other?—You could not prevent the wife doing that.

12847. Or the agent of the candidate might possibly be in his house when the voter had to sign the paper?—No; I say that that would then be canvassing or influencing the man.

12848. I say that he might possibly be in the house when the paper was signed by the voter?—Yes, in individual cases he might be; but I think that any court for inquiring into an election petition would hold that if an agent went from house to house he was clearly canvassing.

12849. An accredited agent?—Yes, clearly so.

12850. But there is a strong party feeling upon those occasions, and people divide themselves into bodies, each body acting for his own particular friend?—Yes.

12851. Then you have no security against their acting in this way upon the voter?—Yes, I think so; I think that it would be the same as any other case of using undue influence; if you found three or four men systematically going from one house to another house during the time, after the voting papers had been delivered, the inference would be clear enough that it had been for the purpose of influencing the voter in filling up his paper.

12852. You know nothing of the circumstances under which the paper was signed; the man has had three days to consider of it, and then comes round the officer to collect the signature?—Yes.

12853. You know nothing of what has passed in the interval?—No.

12854. I think I understood you to say that that system would prevent violence; it would not prevent ordinary intimidation from property, and it would not prevent bribery before the day of the papers being sent round?—No.

12855. As far as I understand you, the voter does not appear after he has signed his name?—No, he does not appear at all.

12856. But before the first day of leaving the paper, of course influence may have been used if it is requisite to induce him to vote in a particular way?—Yes, certainly; but I say we always find out those influences, and that the minimum amount of influence is used prior to the day of the polling, and we say that the maximum amount of influence is used on the day of the polling, as a rule.

12857. Would not those three days give plenty of time for parties to influence the voter?—I think that, generally speaking, the greatest amount of influence is used on the day of the polling; influence of all kinds, with bribery and intimidation, and treating; I think the most of it is on that day, in fact the great bulk of it.

12858. I believe that now it is not very usual to publish the poll book in boroughs after the election, is it?—No; it is now got so large that they do not publish it.

12859. There has always been a prejudice, has there not, against publishing the poll book?—I do not know that; it has never been published officially; generally the newspapers have published a list of the voters, and how they have voted in each borough.

12860. But part of your plan is that now it should be necessary to be published?—That the town clerk should record it.

Mr. *T. B. Edge.* 16 July 1869.

12861. You would take precautions against secrecy, or for its being known afterwards how a man may have voted?—I should certainly make it quite open how a man has voted.

12862. So that if he voted against any of the influences that usually operate upon him, it could not be concealed; it would be known as a matter of course?—Certainly.

12863. So that if a man was exposed to violence, even from his fellow-workmen, or to anything oppressive from his customers, or from his landlord, he could not escape detection, according to your plan?—No; he cannot escape detection now; and I think under my plan, although he would not escape detection as to how he voted, he would have other advantages, that is to say, he would be enabled to vote quietly, and to exercise his own opinion without persons being about him; he would record his vote, without any chance of being taken away from his home, or having his head broken, or anything of that kind.

12864. You do not provide against anybody being near him when he signs his paper; that may happen one way or the other?—That is one of those things which might be prohibited I think, by a heavy penalty.

12865. But if any body of people, say a club, agreed to meet on a certain night to sign their respective papers, you would prevent that, would you?—Yes, I think that would be held to be clearly an illegal act.

12866. Then, would you also fix the spot where he should sign his paper?—No, I do not think it necessary to do that; that would be a case of friendly advice.

12867. Might they not consult with each other as to who would be the best person to support?—Yes, clearly they might do that.

12868. At whose expense would you cause the poll-book to be published?—At the expense of the borough, but it would be a very small expense, indeed, because the town clerk is obliged by law to have a great number of registers by him, and all that needs to be done is to mark opposite the names of the candidates how each person voted.

12869. You say that you would send a collector round to each house, and that there would be an agent for each candidate to accompany the collector, this arises out of this system of paper voting; at whose expense would all that agency be?—I think at the candidate's expense as at present.

12870. He would pay for the collector and his agent besides?—Quite so; the candidates would divide the expenses of the collectors as they now divide the expenses of the deputy returning officers; the candidate himself would have the option of appointing an inspector, and of course he would pay him.

12871. Then there would be another expense; there would be the returning officer, would there not, for examining all those papers?—Yes, but I do not think that that would be any very large expense, because the returning officer now has to cast up the votes, and the examination of those papers would be done almost as quickly.

12872. You think that it could be done in the course of a day in each ward with a large constituency?—Yes, I think so.

12873. When would the state of the poll be known, according to your plan?—The day but one afterwards, or it might be even the day afterwards; but the day but one afterwards, certainly.

12874. There would be one day required for giving in the votes, and another day to examine them?—Yes, quite so.

12875. And the day after that the poll could be known?—Yes.

12876. You do not know, I suppose, of any case where your plan has been tried, or anything like it?—I do not know, except that in one or two townships in our neighbourhood where they have local boards they conduct their elections by the form of voting paper, and I have been informed, and I believe upon the whole there are fewer irregularities than in the ordinary voting.

12877. You do not know much about that?—No, I have not conducted an election myself upon that plan.

12878. Sir *Michael Hicks Beach.*] When would you allow the voting paper to be signed; at any time after it was delivered?—At any time after it was delivered, within three days.

12879. Do not you think that it might be possible to provide that it might be signed in the presence of the officer who was appointed to collect the papers?—No, I do not; that would be a very difficult thing to do, because the men would be employed very likely at their work either when the voting papers were delivered or when they were collected, and it would not be possible for all men to wait indoors till the officer came round.

12880. You are speaking with regard to working men principally; but suppose that the officer appointed some time in the evening after the men had returned from their work to collect the papers?—There would still be men away from home; because there are a great number of men who work what are called night shifts; that is to say, they go there when the other men are giving over.

12881. Under the present system, a man must leave his work to go and record his vote at the poll, must he not?—He must.

12882. Would there be much greater hardship if he had to leave his work to be present at the time the collecting officer called upon him?—In the one case, he can have a choice between certain hours in the day when he goes and records his vote, but in the other case, he might have to wait indoors the whole day till the officer called; that is the only difficulty that I see.

12883. If that was done, it would avoid any chance of intimidation by any person, would it not?—Quite so.

12884. Because the collecting officer would call with the agents of both parties, and the voting paper would be signed in their presence?—Quite so.

12885. Mr. *Villiers.*] He would have left the paper before?—He could either leave the paper then, and the voter would sign the paper, or he might have left it before.

12886. Sir *Michael Hicks Beach.*] Your plan, I take it, is specially framed against mob intimidation at the polling booth?—That is so, and against bribery on the day of the election, because the state of the poll would be kept secret.

12887. I gather from your evidence that your main objection to the ballot is, that you do not think it would stop the practice of bottling voters?—I do not think that it would either stop the practice of bribery, or the practice of bottling,

or of personation, or of intimidation; I think that the same things would be likely to result; at present, of course, no one knows how a man is going to vote when he is going to the poll, except his politics are well known, or except he is accompanied by two or three men whose politics are well known, and then, of course, violence is used; if he went up to vote by the ballot, of course he would either be well known as belonging to one side or the other, or else, no doubt, he would be accompanied by friends who were well known, and he would be subjected to injury and to intimidation just in the same way as he is at present.

12888. Or might he not be suspected by his employer, and might he not say to him, "If you do not give me your vote, I shall discharge you"?—Yes, of course he might easily ascertain how he had voted; I do not see that there is the slightest difficulty in the way of my finding out how a particular man voted even by the ballot.

12889. How?—In this way; of course all boroughs are divided into polling districts, and a certain number of persons within certain districts would be appointed to cast their ballot in a particular place. In the same district there would be committees organised, whose business it would be to canvass, and they would ascertain that which they have always ascertained, namely, how the great bulk of the voters will vote, and there would be a number that do not conceal their politics, and are well known to belong to the one side or the other; and consequently they would at once be set down as partisans either of one candidate or of the other candidate, and then the residue would be persons upon whom influences would have to be brought. The amount of that influence would be ascertained, and then, after the ballot had been taken, if the number of votes did not come up to the number of pledges, the committees would immediately say, "Who is it that have not kept their pledges?" and with very little trouble, indeed, they could ascertain who were the men.

12890. You think that the residue who would wish to preserve secrecy are so small that they might be easily detected?—I think so; I should not have the slightest difficulty in finding out how a man had voted under the ballot, I think.

12891. Mr. *Edward Egerton.*] I think you stated that the vote might be taken, not in the presence of anyone, but that the agents of the two candidates should call with the collector; what is the object of that?—Simply to prevent the collecting officer from assisting the voter in any way in filling up his voting paper.

12892. What advantage is there in the agents of the two candidates calling if the man can fill it up at any time?—The security is, that the collector does receive the voting paper at the house of the voter; that is all.

12893. But he does not know the circumstances under which the voter signed the paper?—No, certainly not.

12894. Are you aware of a Parliamentary Paper, which was issued some time ago, relating to the election of guardians at Leeds?—I do not remember the specific paper.

12895. But there was an inquiry, in which it was proved that there was a great deal of intimidation and every species of fraud?—Yes, I have heard so.

12896. How does your system prevent that fraud?—Because at present the frauds are mainly caused by persons being unhappily not able to ascertain readily how they are returned as having voted.

12897. Take this case, that a voting paper is left at a man's house, the people in the town know very well what day the paper is to be returned, and large mobs come to his house and insist upon his filling up particular names?—Then, of course, that would fall within the general category of intimidation, which now voids an election.

12898. You propose your scheme as a remedy against intimidation?—Yes, certainly. I think if people went and forced a man to fill up his voting paper in that way, the candidate's election could not stand for a moment.

12899. What is there to prevent it?—I do not know that there is anything to prevent it; but I do not conceive for one moment that mobs would ever do anything of the kind.

12900. In the case of Leeds, it was proved that there were large bodies of men went and intimidated voters in that way, and obtained their signatures?—Of course that would at once vitiate any election, I think.

12901. Sir *George Grey.*] How would that differ from the intimidation which you said was exercised, just now, by mobs to prevent people going to give their votes, only that, in one case, the vote is given on paper, and in the other given by the person at the booth?—In the one case you can collect a mob around the polling booth, without any very great difficulty; but you would have very great difficulty in organising mobs to parade a town.

12902. Mr. *Edward Egerton.*] Supposing a voter is prevented from going up to the poll by a mob, that is a notorious fact; it is a fact in the presence of numbers, and such a thing, of course, would vitiate an election?—Not always.

12903. But would not people be able to testify to the fact that people came round to the houses intimidating voters?—Of course it would be public if anything of the kind had been done.

12904. Supposing three or four men combined together and said, "We will go and influence a certain number of voters in a district," what is there to prevent it?—In that case it would be just similar to any case of bribery or intimidation now.

12905. That would not be as public as in the case of an open market-place, where the polling booths are usually put up?—But I think men would not be subject to intimidation by means of three people coming round; no voter would be intimidated by that, or at least very few; but I am speaking now of intimidation, where there are perhaps 300 people coming round the polling booth and filling the booth and filling the approaches to it.

12906. No doubt it would vitiate an election if the returning officer declared that people could not come up to the poll?—Yes; but very frequently, when one party gets possession of the polling booth, the other party sends out a stronger detachment, and then a riot takes place when they get hold of the approaches.

12907. You propound your scheme as a remedy against intimidation principally?—Against mob intimidation.

12908. I do not exactly see how you effect that; can you explain it in any way?—By this means; that mob intimidation of course is very much

Mr. *T. B. Edge.* 16 July 1869.

much easier where a number of persons go to a particular place to record their vote, than when a person can fill up his paper within three days; at least I think so, decidedly.

12909. How do you provide for cases where men cannot write?—Then that man makes his mark in the presence of a witness who signs the paper.

12910. Mr. *Villiers.*] He is not obliged to sign this paper, is he?—No.

12911. Mr. *Edward Egerton.*] If he does not sign the paper he loses his vote?—Yes, he loses his vote, but the paper is collected in the same way.

12912. Sir *George Grey.*] The collector goes to the door, and knocks at the door, and asks for the voting paper which was left three days before, and perhaps the man is not at home, and the man's wife, or a servant girl it may be, comes to the door with the paper, then is he obliged to take that as the voting paper of the voter, with his signature as it purports to be, upon the paper?—Yes.

12913. Then the question is not to be asked, "Who is it signed by," and whether the man is or is not on the register?—Of course the voting papers would only be issued to persons whose names are on the register.

12914. Then is the collector to ask the question whether it was signed by the person whose name is on the register, or is he to take the paper delivered to him by anybody, and is that to be recorded as the vote of the voter?—Yes, certainly till the contrary is shown.

12915. Then how are we to discover personation except by a scrutiny and striking off the votes, and setting aside the election?—By severe penalties upon any person filling the paper up or falsifying it.

12916. Have you any idea how many voters there are in the largest ward of Liverpool or Birmingham?—Probably between 7,000 and 8,000.

12917. Mr. *Raikes.*] Is it not considered a hardship by a great many of the working classes, that they have at the present time to lose a day's or half a-day's wages, by going up personally to record their votes?—Quite so.

12918. Mr. *James.*] Supposing persons are lodgers in a house as amongst workmen, there are sometimes seven or eight lodgers, would you make a servant girl, or the mistress of the house, the person to vote for all those seven or eight lodgers in the house?—Certainly not.

12919. Supposing when the collecting officer calls for the papers the girl says, "The people are all out, but—" she says, "Here are the papers;" what is he to do?—The voting paper would be filled up with the name of the person who was entitled to vote, and he appears on the register; the voting paper would be handed in to him, and then he would have to take it, and record it.

12920. Supposing on the collector calling and knocking at the door, the voter is out, and the servant says, "Here is the paper of Mr. A. B;" if she does it for one person, she might do it for seven or eight lodgers in the house; do you think that would be a right way of voting, for a servant girl to vote for seven or eight people in a house?—I do not quite comprehend your question.

12921. There is no test that the person who gives the paper has got it from the right person or anyone else?—I take it that the voting paper when delivered would be filled up with the name of the voter as it appeared upon the register.

12922. Or purported to be filled up?—It would be filled up when the paper was delivered, and if that paper was received back again purporting to be signed by the voter, I think it would be taken *primâ facie* that the voter had signed it; then if the voter had not signed it, it would very soon be discovered whether he had signed it or not; and that would be quite a sufficient remedy against personation.

12923. But even under the present system, when a person goes to the polling booth, and is seen by everybody at the booth, is it not known that cases of personation exist?—Yes.

12924. Would not your plan add tenfold to the opportunity of personation, and the difficulty of discovering it?—I think not.

12925. In the case of a servant girl delivering six or seven voting papers, and one of the voters who purported to vote, came and said, "I did not sign that paper;" would you prosecute her, or what steps would you take?—I think that where a person gave in a filled-up paper for anyone else, you would have to get evidence to show who had signed that voting paper.

12926. Can you suggest a means of detection?—Yes, I think that the person to whom the voting paper was originally delivered could be called and could be questioned as to whom it had been given up to, and if it had come into the hands of the voter you would then have to ascertain how that signature was obtained.

12927. Supposing he said, "I left out the paper signed by me ready to be delivered when the collector called, but it has been altered?—That would be like any other evidence that is given where there is a case of personation; a person comes and says, "Some one else has been voting for me;" that would be one of those things which would be inquired into upon an election petition.

12928. The open vote of a person is seen by hundreds of persons present, but here it is seen by only one?—Every person who is in the booth sees the vote, but as a rule there are very few people in the booth with the voter.

12929. But the booth is open generally so that they can all see them go in?—That is not my experience; we have generally voted in public buildings in our part of the country.

12930. Mr. *Leatham.*] Is mob intimidation the most disastrous influence of an undue character that you have to contend against in Bolton?—It is.

12931. Is it not well known there that people will vote in accordance with the wishes of their employers?—No, not in Bolton.

12932. Used it not to be said, "Tell me the owners of the chimneys, and I will determine the result of the election?—I never heard it said in Bolton.

12933. Suppose the voting paper was not filled up, and was not given up signed, what should you do then?—The collector would receive it, and the vote would be lost.

12934. Because it was not signed at the particular moment when the man called?—Certainly.

12935. It being perfectly uncertain what part of the day he would call?—Yes, but the voting paper would be there three days previously.

12936. He is not to sign it in the presence of the

the collector, is he?—No, that is not made imperative; he may do it if he likes.

12937. How long would you give him to make up his mind?—He ought to be in a position to sign immediately the collector calls; the collector ought not to have to wait.

12938. Supposing the man hesitates, and has not made up his mind?—Then he must give up the voting paper at once, or he must lose his vote. The collector would say, "I want your paper," and if he says, "I have not made up my mind whom I will vote for," the collector would make a minute of it in his collecting-book, and no doubt the inspectors would do the same, and the vote would be lost.

12939. An uneducated man would tell the collector that he had not made up his mind, and would probably hesitate, and enter into an argument, and probably ask him to suggest whom the voting paper is to be filled up for, and he might spend 10 minutes or a quarter of an hour in getting hold of the voting paper?—I do not think that would be the result; I think persons would get to know that if the paper was not filled up when the collector called they would lose their vote, and I think the appointment of an inspector would prevent any argument between the voter and the collector as to the way that he would vote.

12940. How would it prevent a mob going round the town breaking the windows of voters right and left, just as a foretaste of what they are to expect if they vote against the wishes of the mob?—I do not think that it would prevent anything of that kind.

12941. That is a very common form of mob intimidation, is it not?—I say that it would prevent mob intimidation on the day of the election, by the mob taking possession of the polling booth and the approaches to it; I know that the most serious riots occur in that way; almost every riot that we hear of has occurred in that way, by mobs surrounding the polling booths.

12942. Mr. *Brand.*] I understand it to be an essential part of your plan of voting papers that there should be no canvassing for three days before the day of the polling?—Just so.

12943. Do you mean, that you would make it a penal offence for any person to ask an elector for his vote three days beforehand?—It would be a question of intent; if a man simply asked another, "How do you intend to vote at the election?" I do not take it that that one isolated question would be an offence.

12944. Do not you consider that canvassing?—No, I do not consider that canvassing within the legal meaning of the term canvassing.

12945. Will you explain what you mean by canvassing?—I mean where men are systematically going round to induce persons to vote for any particular candidate.

12946. Do not you consider asking a man for his vote, canvassing?—Not in one isolated case.

12947. Have you had any practical experience of the ballot?—No, I have had no practical experience of the ballot.

12948. Sir *George Grey.*] As to the time that it would take to collect those papers in a ward of 7,000 or 8,000 electors, as is the case in Birmingham, do you think that one collector could within 12 hours, or within a day, call on 7,000 or 8,000 electors to collect the voting papers?—No, certainly not; I said that the number of collectors would depend upon the number of voters in each ward.

12949. I thought you said that a collector would be sufficient, in your opinion, for each ward?—Certainly not, whatever the size of the ward.

12950. There must not only be an indefinite number of collectors, but an indefinite number of agents, appointed by candidates to accompany each collector, must there not?—At present only 500 voters can poll at each polling-booth, and I say that a collector could collect 1,000 papers in a day, with great ease.

12951. Then there would be seven or eight collectors, with a corresponding number of agents, for each candidate for every ward containing 7,000 or 8,000 electors?—Quite so, as there is at present, or, where it was necessary, you might double that number.

12952. In the case that was put before you by an honourable Member of the Committee, of half-a-dozen or more lodgers in the same house, workmen leaving their voting papers to be delivered by a servant girl, when the collector calls, supposing she drops them as she comes down stairs, or loses them, what security has a voter against his vote being lost in that way?—Of course he has no security, that I can see, if he takes no greater care of his vote than that.

12953. But the care that he takes of his vote is what you suggest he should take, as I understand, to leave it at his residence to be delivered by somebody who remains in the house?—Yes, but I think that it would be very exceptional indeed that votes would be lost in that way; I was about to observe that, of course, a number of votes are lost at present by the present system of voting.

12954. Mr. *Bright.*] Do you come from Bolton?—Yes.

12955. Were you in Bolton at the time when the test ballot was tried at Manchester lately?—I was.

12956. Did you go over to Manchester to see it?—I was residing in Bolton; but I happened to be in London on that day.

12957. You did not instruct yourself at all by what was seen on that day?—No; I had intended to have done so, but I was detained in London.

12958. Your experience with regard to this mode of voting papers is confined to what you have seen in the election of guardians, I presume?—In the election of guardians, and of members of the local board.

12959. Do you say that at Bolton, generally, there is a belief that the elections under that system are satisfactorily conducted?—They are fairly conducted generally.

12960. Have you not heard of many cases where it has been alleged that hundreds of votes and voting papers have been fraudulently or unfairly used?—Yes.

12961. Can you tell us any places where that has been done?—I have heard the allegation made with regard to the election of guardians for the township of Turton, near Bolton, and in the election of the local board at Farnworth, but the cases have been very few indeed.

12962. And cases of bad votes?—Yes, bad votes, and falsified voting papers.

12963. Have you not seen that such charges have been very common in many parts of the country?—I have heard of them in various parts of the country, but not to any very great extent.

12964. With

Mr. *T. B. Edge.* 16 July 1869.

12964. With regard to the ballot, are you able to say what is the opinion of persons in your town with regard to it generally?—I think the opinion of the town generally is decidedly against it.

12965. How do you judge of that?—I judge from meeting great numbers of persons of both sides of opinion.

12966. Is it not the fact that, with regard to the Liberal party in Bolton, the ballot has always been one of the propositions generally supported?—Yes, by the bulk of them, but I have heard objections by a great many of the Liberal party to the ballot as well.

12967. Do you consider the present system of elections one that is very unsatisfactory?—I do not consider it extremely unsatisfactory; there is no doubt that there may be amendments made in the mode of conducting elections as at present.

12968. Your objections refer chiefly, do they not, to intimidation by a large number of persons?—My objection to the present system are chiefly these, that it induces bribery on the day of the election, that voters going to the poll are subjected to intimidation in going to vote, and that it causes a great deal of treating and drunkenness on the day of the election.

12969. And that as the termination of the poll approaches, the excitement and the disposition to riot increases, is not that so?—Yes, that is so.

12970. If the poll could be conducted without the public knowing precisely how it was going on, do you think that that would be an advantage?—I think so decidedly.

12971. *Chairman.*] How many votes a day do you suppose that one collector could collect?—I think he could collect a thousand voting papers.

12972. For how many hours would you allow the election to go on?—Say from ten to four, six hours.

12973. How many minutes are there in six hours?—Three hundred and sixty.

12974. Could he collect nearly three votes a minute?—I should say so.

12975. Could he call at three houses in a minute?—The houses would be next door to each other, and as the collector would go along collecting the voting papers, the persons would bring the voting papers to him.

12976. Supposing the voting paper is not produced at the moment the collector calls at the house, might it not take him five minutes?—It might in some cases.

12977. Do you believe that he could call at the houses and collect the votes at a general rate of one a minute?—I only know this, that the voting papers in the election of guardians are collected in the course of a day throughout the whole of Bolton; it is merely a question of the number of collectors.

12978. On what ground have you formed your opinion that one collector could collect 1,000 votes in six hours?—Upon my impression that I believe in some wards where we have somewhere like 1,200 voters, they have only two collectors to collect the voting papers for the guardians.

12979. Would you not allow the voter, if he thought fit, to send in his vote by post, or by some other means?—I do not know; I scarcely think I should, if this system was adopted?—It would cause great irregularity.

12980. What irregularity?—When the collector called he would have to note down at every house where the voting paper was not delivered that he had not received the voting paper, and the reason of it, and that would cause him to have a much greater amount of trouble.

12981. Do you recommend this system for counties?—I think a modification of that system with the University voting system would do for counties very well.

12982. What kind of modification do you propose?—Of course there are many voters in counties who are not resident within the township for which they have qualifications, and of course house to house collecting votes would not suit in that case; for occupiers it would suit, but in the other case I think that they ought to be enabled to vote, and to send their papers by post, as in the case of the Universities.

12983. What advantage do you think this plan has over the plan of secret voting?—I think that it would give greater confidence to the public that the elections were fairly conducted, because every man would be able to see whether his vote had had the effect that he had intended it to have had. Of course I am speaking now upon general principle against the ballot; I think that if the ballot were adopted, it would tend to repress public opinion; I think it would not prevent an employer from obtaining his workman's promise; it would only enable the workman to break his promise, and I think that it could very easily be detected whether a man had kept his promise or not; it could be pretty well ascertained.

12984. I think the chief advantages which you imagine would be secured by your mode of voting, would be to stop bribery on the polling day, and to prevent a voter being intimidated on his way to the polling booth?—Yes.

12985. The ballot would equally prevent bribery on the polling day, would it not?—Yes, I think so.

12986. Then, its sole recommendation over the ballot, in your opinion, is that intimidation on the polling day would not go on?—So far as malpractices are concerned.

12987. Would there be any reason why an employer of labour, or an owner of property, should not visit the houses of his workmen, and see them fill up their voting papers?—I think there would be a very great objection to his doing that.

12988. How would you prevent it?—I would prohibit it under a penalty, and make it an offence which would void an election, as various acts of undue influence void an election now.

12989. You would not allow an employer of labour to visit one of his workmen's cottages during those three days?—Certainly not.

12990. Though he might be in the habit of doing so regularly?—Not for the purpose of inducing him to vote.

12991. How would you prove the purpose?—The whole question would be as to the system that he adopted. Of course if an employer wanted to see one of his workmen, and called at his house during those three days, and happened to mention it, no judge of an election petition would ever say that that constituted intimidation or bribery; but if he made a tour of all his workmen's houses on a day within the three days, and mentioned the voting papers, and saw them filled up, I think no judge would come to any other conclusion than that he did it for the purpose of influencing them to vote.

12992. Sir

12992. Sir *George Grey.*] What would be the result?—The Member would be unseated.

12993. Quite irrespective of agency?—No.

12994. Supposing he was no agent of the sitting Member, what then?—No, certainly not; in that case, he would not be unseated; I should certainly not unseat a member, if he was no agent, in any way; but a person visiting houses in that way, would be subject to penalties personally.

12995. *Chairman.*] Would there be anything to prevent voters going to the committee-room of their ward, and filling up their papers there?—No, there is no reason against that, because a man who would go to the committee-room of his ward to fill up his voting paper, is pretty sure to vote in the way that he intends.

12996. Would not that be a very easy mode of getting a little bribery done?—I do not see that it would.

12997. Supposing that there is a sort of invitation sent out to the voters in a ward, to come to the committee-room the evening or a couple of days before the polling, and bring their voting papers with them, would not there be every security for the value being received in return for the bribery?—I do not think that there would be any greater facilities than there are at present for bribery.

12998. It precludes all uncertainty about the matter, does it not?—It would preclude all uncertainty about the man signing the voting paper.

12999. The briber would see the voting paper signed, and would make sure that the person polled for 5*l.* or 1*l.*, or whatever it was, that he gave him?—Quite so; but at the same time I think that the number of cases of bribery would be so multiplied, and so notorious, that I think it would be sure to be detected; I do not think such a thing could be done practically.

13000. Why would it be easier to detect it then than it is now?—It would be easier in this way: that if invitations were sent to persons to take their voting papers to a committee-room, the inference would be strong that it was intended unduly to influence them in some manner. I am quite sure that it would come out that bribery had been practised; it would be impossible to keep it secret.

13001. It does not always come out now, does it?—It does not come out in every case, but any extensive amount of bribery is sure to come out.

13002. Sir *Michael Hicks Beach.*] You have been acting as agent, have you not, in some county elections?—Yes.

13003. Was your attention ever directed to the great expense of paid legal agency in county elections?—I do not know that my attention has ever been directed to that.

13004. You are not aware that the sums spent in that way are very large?—No; I am not aware of that.

13005. Sir *George Grey.*] For what counties have you been an agent in elections?—South Lancashire and South-east Lancashire.

13006. Do you know what in those cases was paid for agency for any one of the candidates?—I do not.

LIST OF APPENDIX.

Appendix, No. 1.

PAGE.

Certificates and Reports to the Speaker of the House of Commons from the Judges selected for the Trial of Election Petitions - - - - - - - - - 559

Appendix, No. 2.

Paper put in by the Town Clerk of Preston, 3 May 1869:

Resolutions agreed to at a Meeting of the Council of the Borough of Preston, held on the 29th April 1869 - - - - - - - - - - - - - - - 589

Appendix, No. 3.

Letter addressed to the Chairman by Mr. Alexander Russel, laid before the Committee, 15 June 1869 - - - - - - - - - - - - - - 591

Copy of the Letter from the Marquis of Lothian addressed to the Editor of the "Scotsman," referred to in the above Letter - - - - - - - - - - - - 591

Appendix, No. 4.

Paper put in by Mr. F. S. Dutton, 18 June 1869:

Form of Return of Expenses of the General Election in South Australia - - - 593

Appendix, No. 5.

Examples of the Procès-Verbal, Voting Cards, and Bulletins, in use at Elections in France, put in by Sir C. W. Dilke, Bart., M.P., 25 June 1869:

1.—Example of Procès-Verbal - - - - - - - - - - - 594
2.—Examples of Voting Cards - - - - - - - - - - - 598
3.—Examples of Bulletins - - - - - - - - - - - - 600

Appendix, No. 6.

Papers put in by Mr. Francis Taylor, 13 July 1869:

Form of Voting Paper.—Representation of Manchester - - - - - - - 601
Form of Card which was used in the Manchester Ballot - - - - - - - 602
Form of Card which was used in the Stafford Ballot - - - - - - - 602

Appendix, No. 7.

Papers put in by Mr. J. W. Probyn, 13 July 1869:

Forms of the Voting Papers in use in Milan - - - - - - - - - - 603

APPENDIX.

Appendix, No. 1.

CERTIFICATES and REPORTS to the SPEAKER of the HOUSE of COMMONS from the JUDGES selected for the TRIAL of ELECTION PETITIONS. App. No. 1.

INDEX.

ENGLAND.

	PAGE		PAGE
Beverley Election	560	Lichfield Election	571
Bewdley Election	563	Norwich Election	572
Blackburn Election	564	Penryn Election	573
Bodmin Election	565	Preston Election	574
Bradford Election (2)	565	Salford Election	574
Bridgwater Election	567	Staleybridge Election	574
Cambridge Election	567	Stockport Election	575
Cheltenham Election	568	Tamworth Election	575
Coventry Election	568	Taunton Election (2)	575
Derbyshire, North, Election	569	Thirsk Election	576
Gloucester Election	569	Wallingford Election	577
Guildford Election	569	Warrington Election	577
Hartlepools Election	570	Westbury Election	577
Hereford City Election	570	Westminster Election	578
King's Lynn Election	571	Wigan Election	578
Kingston-upon-Hull Election	571	Windsor Election	579

SCOTLAND.

Dumfries County Election	579	Wick, District of, Burghs Election	580
Greenock Election	580		

IRELAND.

Athlone Election	580	Enniskillen Election	585
Belfast Election	381	Galway Town Election	585
Carlow Borough Election	581	Limerick City Election	586
Carrickfergus Election	582	Londonderry City Election	586
Cashel Election	582	Sligo Borough Election	587
Drogheda Election	583	Sligo County Election	588
Dublin City Election	584	Wexford Borough Election	588

App. No. 1.

CERTIFICATES and REPORTS to the SPEAKER of the HOUSE of COMMONS from the JUDGES selected for the TRIAL of ELECTION PETITIONS.

ENGLAND.

Beverley.

BEVERLEY ELECTION.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons:

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 9th day of March 1869, and the two following days, I duly held a Court at Beverley, in the county of York, for the trial of, and did try, the Election Petition for the said borough of Beverley, between Luke Hind, John Armstrong, and Joseph Dannatt, Petitioners; and Sir Henry Edwards, baronet, and Edmund Hegan Kennard, Respondents.

And, in further pursuance of the said Act, I certify that, at the conclusion of the said trial, I determined that the said Sir Henry Edwards and Edmund Hegan Kennard, being the Members whose election and return were complained of in the said petition, were not duly elected or returned, and that the said election for the said borough was void; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, in further pursuance of the said Act, I report as follows:—

That, upon the said trial of the said petition, no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates at the said election.

That the number of persons who were proved at the said trial to have been guilty of corrupt practices was 104, and that their names are written in the Schedule hereunto annexed.

And, in further pursuance of the said Act, I report that corrupt practices did prevail, and that there is reason upon the evidence before me to believe that they did extensively prevail at the said election.

And, in further pursuance of the said Act, I make this Special Report as to certain matters arising in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons:—

The registered voters of the borough were stated to be about 2,600, and at the election referred to in the petition, Sir Henry Edwards and Captain Kennard, who until this election was a stranger to the borough, were candidates upon the Conservative interest, and Mr. Maxwell and Mr. Anthony Trollope candidates upon the Liberal interest. The result of the poll was that Sir Henry Edwards polled 1,132 votes; Captain Kennard, 986 votes; Mr. Maxwell, 895 votes; and Mr. Trollope, 740 votes.

It appeared that Sir Henry Edwards first came to Beverley as a candidate in the year 1857, upon the invitation of a Mr. Wreghitt, a draper in the town, on behalf of himself and others. Sir Henry Edwards was then elected. Shortly after that time Sir Henry became the chairman of a company carrying on its business in the borough, called the Beverley Waggon Company, Limited. Of this company a Mr. Norfolk, hereinafter mentioned, was manager, and a Mr. Usher the secretary. From and after the year 1857, and continually until the present time, Mr. Wreghitt has been and is the confidential agent of Sir Henry Edwards for the purposes and management of his Parliamentary interest in the borough, and during this period, and from time to time, he remitted to Mr. Wreghitt sums of money to be expended by him in support of it.

It appeared that no detailed account of the expenditure of this money was ever given to or asked for by Sir Henry Edwards, and although both he and Mr. Wreghitt were witnesses at the trial, neither of them were examined as to what amount of money was so remitted and received, or how it was expended, beyond some general questions, which were answered by a statement that money was paid for charitable purposes, and for a subscription to an agricultural association.

There is a municipal corporation of Beverley, which consists of six aldermen and 18 town councillors; the town council receives the income of the corporation, and defrays its expenditure, and also that of the gas works, the highways, and a navigation; the corporation also possess some property in the neighbourhood, and the town council possess the influence arising from a considerable expenditure in labour, and from the corporation property; the bulk of the labourers and workpeople living in Beverley are, either as freemen or householders, voters at the Parliamentary election. From the time of Mr. Wreghitt's becoming agent to Sir Henry Edwards, a continued and successful attempt has been made

by

by means of bribery to secure the town council to the Conservative interest, and for this purpose, through the agency of Mr. Wreghitt, money has been expended in bribing the voters at every contest for the town councillors during his agency. His own statement was that during the last 12 years the average amount spent upon the municipal elections had been from 50 *l.* to 70 *l.*, but that several times there had been no contest, and that the lowest sum paid to his knowledge at a municipal contest was 130 *l.* to 140 *l.*, and the highest 300 *l.*, but which occurred before his agency for Sir Henry Edwards; and the evidence was that the bribe paid to the individual voter varied from 2 *s.* 6 *d.* to 5 *s.*, which may be taken to have been the ordinary bribe until the election in November last. It was stated that in some instances as much as 1 *l.* had been given, but the circumstances did not appear under which so large a sum beyond the ordinary one was paid; the result is that the members of the town council are at present almost all in the Conservative interest, and that practically they have in their hands the control and management of the corporation funds, and it is alleged that they make use of them, and the influence arising from them, for the exclusive support and furtherance of this interest.

It also appeared that at an election of town councillors, which occurred two or three years ago, the Conservative candidates had the majority at the poll, but some irregularity having occurred in the election, a *quo warranto* information was filed in the Court of Queen's Bench, which was determined in favour of the relators, and that Sir Henry Edwards and the other Member for the borough who sat with him in the Conservative interest paid the costs of this information through Mr. Wreghitt. Mr. Wreghitt was much pressed to state the amount so paid, but said he did not recollect it, and he would not say whether it did not amount to 500 *l.*

It further appeared that the freemen of Beverley, who are also Parliamentary electors, are entitled to the pasturage of large pastures in the borough, to the extent of 1,174 acres, and that by an Act of Parliament passed in the year 1836, 12 pasture masters are to be elected annually by the freemen, which pasture masters have the management of the pastures, and the control of the income and expenditure arising from and relating to them. From a document put in evidence, being their account from February 1868 to February 1869, it appears that the amount of income received by the pasture masters during that year was about 940 *l.*, and the expenditure about 635 *l.* When Mr. Wreghitt became the agent of Sir Henry Edwards, the practice was that the pasture masters were equally divided between the two parties—the Conservative and Liberal—six of each; but that afterwards, by means of money supplied by Mr. Wreghitt, the same system of bribery was resorted to in the election of pasture masters as in the election of town councillors, and by this corrupt expenditure it has resulted that the entire body is now in the Conservative interest.

By the will of a Mr. Robert Walker, an annual income of about 90 *l.* was given to the pasture masters, upon trust, to distribute it between poor freemen of the borough, or their widows or children, to aid them in respect of losses which they might sustain by the death of their stock, and to enable them to purchase other stock, to help them in the world, and for other purposes of a similar nature; and the testator declared "his wish and intention to be that the payments should be made in such substantial sums as would effect the object he had in view, and that they should not be made or given in small amounts so as to embrace a greater number of objects." An account of the receipts and payments for the year ending February 1869, was put in evidence, by which it appears that the net income of that year was distributed amongst 42 persons. Of these six were women, and of the remainder all, except two, were Parliamentary voters. The sums paid were all small, varying from 3 *l.* downwards, and it is alleged that these payments were made by the pasture masters in direct violation of their trust, and with a view to influence votes at the elections. At the late election, 34 of these freemen voted, of whom 26 voted for Sir Henry Edwards, 23 for Mr. Kennard, 11 for Mr. Maxwell, and seven for Mr. Trollope.

It was notorious, during the autumn of last year, that Parliament would be dissolved, and the general election take place about the middle of November. The election of town councillors took place on the 2nd. There were six vacancies to be filled up, three in each of the two wards, there being two in the borough; and there were six Conservative and six Liberal candidates. Three of the Conservative candidates were Mr. Norfolk, Mr. Usher, and a Mr. J. B. Lowther. The election took place on Monday the 2nd November, and the Parliamentary election about a fortnight afterwards; it appears from the evidence of Mr. Norfolk, that on the Friday or Saturday before the municipal election he went to a bank at Beverley, at which he did not keep an account himself, nor was the account of the Waggon Company kept there, and arranged with the manager of that bank for a loan of from 400 *l.* to 500 *l.* He stated that he believed he drew out 500 *l.* on the Saturday, but upon that day and on the Monday he drew out 800 *l.*, 750 *l.* of which, at least, was spent in bribery; he paid it to various persons whom he named, amongst others, to the Mr. Lowther before mentioned, to whom he gave 100 *l.* on the Saturday, and 120 *l.* on the Monday. The municipal electors were to a great extent also Parliamentary electors; there appeared to have been no secrecy either observed or imposed upon the parties bribed. Bribes were paid to all who would accept them; some payments were made in the street, but three houses were particularly named at which the bribery took place; one was at a public house called the "Golden Ball," where a man named Watson, an auctioneer, sat at a table; he had a bag of gold coin before him, and a book in which he entered the names of the persons to whom he paid the bribes, no secrecy was observed, and batches of three or four voters went up at a time, and the bribes were sometimes paid to each in the presence of the others, and in other instances a sum was paid to one to be distributed by him

App. No. 1.

Beverley.

amongst the party accompanying him. Another house where bribes were paid was the shop of a person named Dickenson, where the voting papers were filled up. Another place was a public house of a Mrs. Padget.

It has already been stated that the ordinary bribe previously paid at municipal elections, varied from 2 *s.* 6 *d.* to 5 *s.* For this election, however, except in one instance, no bribe less than 15 *s.* appears to have been paid; 1 *l.* was proved to have been paid in several instances, but 17 *s.* 6 *d.* was the general bribe; upwards of 60 voters who were bribed, were examined at the trial and proved the fact. The bribes were paid indiscriminately to all who would receive them, and several of the witnesses stated that they were paid and received, "of course." The result was that early in the morning of the municipal election, certainly as early as 11 o'clock, the Conservative candidates were in a great majority, so great that the managers of the Liberal party gave up the contest, but notwithstanding this, and after more than half of the entire voters had voted for the Conservative candidates, the payment of the bribes was continued, and nearly the whole of 800 *l.* was expended in this manner. It was stated by Mr. Norfolk, that this 800 *l.* was to be repaid by him to the bank, each of the other candidates contributing an equal share with him, but no part of this money has yet been repaid, and the whole amount is still due to the bank nor have the other candidates paid to Mr. Norfolk any part of what is alleged they were to contribute. Very few of the above facts, and none of them relative to the last municipal election, were disputed or denied by the learned counsel for the Respondents. The contention was that the bribes then given were to influence the municipal elections only, and not at all to influence the Parliamentary election.

Sir Henry Edwards and Captain Kennard came to Beverley the following day, the 3rd November, and there was no evidence that from that day any bribery took place; and Sir Henry Edwards stated that until the trial he never was told or heard of the bribery and corruption which had taken place at the municipal election; as it was proved that Mr. Lowther and others who were directly engaged in this bribing, canvassed with him during the ensuing fortnight, it is obvious that the municipal bribery of the 2nd of November, which must have been notorious in the borough, was of purpose and design concealed and kept back from him. Captain Kennard seems to have heard something of it; but as his evidence was merely that he might have been told of it, he most probably was not made acquainted with its extent, as if he had, he could not have failed to have recollected it.

I was perfectly satisfied upon the whole of the evidence that more than 800 Parliamentary electors were bribed, and what several witnesses stated to have been said to them by the persons who bribed them: viz., that the bribes were for the Parliamentary election as well as the municipal election was the truth. The persons who were alleged to have made these statements were all named, and not one of them were called to contradict it. The excuse alleged for this bribery was that the Liberal party were doing the same.

It was stated by Mr. Norfolk that his reason for drawing out the money on the Monday was, that he was told the Liberal party were paying 25 *s.* a vote, with money supplied by Messrs. Maxwell and Trollope, who were at that time in the borough as candidates. I had no means of investigating this matter, as it was not in issue in the petition before me, nor did I think it right of myself to continue the examination of the witnesses called beyond the examination and cross-examination of the learned counsel.

The only witnesses called for the Respondents were Mr. Norfolk and Mr. Wreghitt, and the Respondents themselves; neither Mr. Lowther nor any of the other persons who paid the bribes were called. If it be thought right to have the condition of this borough, with regard to the general prevalence of bribery and corruption, thoroughly investigated, it can only be done by a commission issued in pursuance of 15 & 16 Vict. c. 57.

SAMUEL MARTIN.

SCHEDULE.

1. Richard Norfolk.
2. J. B. Lowther.
3. John Stothard.
4. William Watson, a painter.
5. William Watson, auctioneer.
6. Robt. Knaggs Wallis.
7. Mr. Cleaver, of Railway-street.
8. William Calterson, junr.
9. Benjn. Moore.
10. Robert Thirsk.
11. Tindal Brown.
12. Thos. Richmond.
13. —— Bromsho.
14. David Nutchey.
15. Thompson Ireland.
16. William Vernam.
17. —— Thompson, a barber.
18. Robert Walker.
19. William Chadwick.
20. John Robinson Bentley.
21. Samuel Beilby.
22. Mr. Monkman.
23. Samuel Bishoprick.
24. Mr. Kemplay.
25. Thomas Green.
26. Thomas Harris.
27. Thomas Sumner.
28. Edward Christian.
29. William Ripon.
30. Mrs. Lamb, "Tanners' Arms."
31. Mr. Levitt.
32. Mr. Skin.
33. James Haddlesey.
34. Thos. Duffill.
35. Thos. Hazlehurst.
36. Spence Collinson.
37. George Walker.
38. James Atkinson.

39. John

39. John Brooks.
40. John Wardell.
41. Edward Beattie.
42. James Ellis.
43. John McGinnis.
44. John Folkes.
45. John Shaw Tomlinson.
46. John Tomlinson.
47. Willm. Thompson.
48. John Goldwell.
49. George Sumpter.
50. Horner Walters.
51. Robert Moore.
52. Thomas Appleton.
53. Richd. Tattersall.
54. John Rawson.
55. Wm. Weldrake.
56. William Addy.
57. Martin Lascelles.
58. John Reap.
59. Matthew Wilson.
60. John Dalton.
61. John Bean.
62. George Petch.
63. John Shields.
64. Robt. Everington.
65. James Smethley.
66. Wm. Etherington.
67. Wm. Knipe.
68. Wm. Haigh.
69. Robt. Turnbull.
70. Jas. Wm. Lovell.
71. Robert Towse.
72. Henry De Caux.
73. Danl. Nicholson.
74. Levi Nicholson.
75. Joseph Sykes.
76. William Dixon.
77. Wm. Noon Dixon.
78. John Constable.
79. John Grantham.
80. John Tebb.
81. Henry Condor.
82. George Wilkinson.
83. John Abbott.
84. William Woollock.
85. George Brusby.
86. Joseph Kitching.
87. Robert Charlton.
88. James Walters.
89. George Cross.
90. Joseph Anderson.
91. Robert Grassby.
92. Thew Railton.
93. Henry Wallis.
94. Henry Whitehead.
95. John Chambers.
96. James Harrison.
97. Robert Shaw Porte.
98. George Sanderson.
99. Joseph Elliott.
100. William Jarvis.
101. Isaac Cooke.
102. Samuel Barrett.
103. Thomas Foster.
104. Robert Castle.

SAMUEL MARTIN.

BEWDLEY ELECTION.

COURT for the Trial of an Election Petition for the Borough of Bewdley, in the County of Worcester, between Charles Sturge and John Baldwin, Petitioners; and Sir Richard Attwood Glass, Respondent.

To the Right Honourable the Speaker.

Sir, Bewdley, 25 January 1869.

IN compliance with the directions of "The Parliamentary Elections Act, 1868," I hereby certify that the above-named Sir Richard Attwood Glass was not duly elected, and that the above election was void.

And I report that it was not proved that any corrupt practice had been committed with the knowledge and consent of any candidate at the above election.

That Robert Acton Pardoe, attorney at law, an agent for Sir Richard Attwood Glass, and George Baker Burmish, also an agent for Sir Richard Attwood Glass, were guilty of corrupt treating at the said election.

That Stephen Fort accepted a bribe of 10 *s.* from one John Taylor, to induce him to vote for Sir Richard Attwood Glass, and afterwards voted against him.

That James Hunt was bribed to vote for Sir Richard Attwood Glass by 5 *l.*, advanced to him as a loan by Christopher Pountney.

That Abram John Hamer was bribed to vote for Sir Richard Attwood Glass, but it was not proved who gave the bribe, or how much it was.

That Isaac Leverton, Herbert Burton, and Richard Millington, being at Bristol, were induced to come to Bewdley to vote for Sir Richard Attwood Glass by having their expenses from Bristol and back paid them, and would not have voted had this not been done. That it was not proved who advanced the money; nor did it appear that the money paid them, though it was an illegal payment, exceeded the reasonable expenses, so as to be a cloak for what in popular language would be called bribery.

That it was proved that corrupt treating by opening public-houses did extensively prevail at the election.

No evidence was given of any treating on behalf of Mr. Lloyd, the unsuccessful candidate.

That it was proved that a practice extensively prevailed on both sides of employing and paying a large number of persons as what was called "watchers," who rendered no service of any value in return. That this practice appears to have been kept up at Bewdley because

App. No. 1.
Bewdley.

it was formerly the practice at old elections, and is very objectionable, for the same reasons as those which have induced the Legislature to prohibit treating.

There is reason to believe that the payments were made to influence voters connected with the watchers; and also, that voters themselves were so employed, though no proof was given of any voter having been actually paid.

There was no reason to believe that direct bribery extensively prevailed at the election.

I have the honour to be,
COLIN BLACKBURN,
Judge of the said Court.

Blackburn.

BLACKBURN ELECTION.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

BLACKBURN ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Otterspool, Watford, 18 March 1869.

IN the Matter of a Petition presented to the Court of Common Pleas by John Gerald Potter and Montague Joseph Fielden, Esquires, candidates at the last Parliamentary election for the Borough of Blackburn, against William Henry Hornby, Esq., and Joseph Fielden, Esq., who were returned as elected to serve in Parliament for the said borough, by which petition a charge was made of corrupt practices having been committed at the election, and it was prayed that it might be determined that the said William Henry Hornby and Joseph Fielden were not duly elected or returned, and that the election was void,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the petition, certify and report as follows:—

1. William Henry Hornby, Esq., one of the Members whose election and return are complained of by the petition, was not duly elected and returned.

2. Joseph Feilden, Esq., the other Member whose election and return are complained of by the petition, was not duly elected and returned.

3. The election complained of by the petition was void, by reason that the Members whose election is complained of were by their agents, but not personally, guilty of undue influence at such election within the meaning of "The Corrupt Practices Prevention Act, 1854," section 36.

4. No corrupt practice was committed at such election by or with the knowledge and consent of any candidate.

5. Upon the evidence it did not appear that corrupt practices extensively prevailed, nor that there is reason to believe that corrupt practices extensively prevailed, at the election.

6. Undue influence was exercised at the election by the threatened discharge in some cases, and the actual discharge or expulsion in others, shortly before the election, of workmen at certain mills in the borough, on account of their political opinions, such treatment having a direct tendency to intimidate not only those who were discharged or expelled, but also others who entertained, or might, if let alone, have chosen to adopt like opinions, and to induce them either to vote against, or not to vote according to such opinions. The intimidation began about the time of the municipal election, which preceded the Parliamentary election by a fortnight, and was contested by the party to which the Members adhered, with their concurrence, avowedly upon the same constitutional principles and as part of one political contest. The intimidation proceeded in most instances immediately from the fellow-workmen of those who were illtreated, but under circumstances in which it is highly improbable that they should have ventured upon such misconduct of their own heads, and in which the just inference is that they were led astray by overlookers or others in a higher position. In these cases the employers within a few days restored quiet, and in most instances did their best to repair the mischief by replacing the men discharged. Amongst those who thus interfered with their fellow-workmen were very many whose names did not appear. The following were named, but no individual case was dwelt upon, and they were not called as witnesses, nor had any opportunity of explanation, viz., James Haworth, Henry Wade, Thomas Whittall, Henry Sharples, John Proctor (not the witness of a like name), Thomas Sharrock (not the witness), David Smalley, John Haworth (not the witness), George and James Indle, Jethro Leech, John Fielding, and James Fielding. In another and smaller class of cases, men were threatened and discharged by persons in authority as managers, overlookers, and otherwise, who as a class had been specially called upon (with the sanction of the Members) to exercise their influence on the men, as in the case of William Greenwood's mill by John Langtree and William Wade, and at Coddington's Canal mill by one Catlow, in the latter of which cases an attempt was made to recall the

the men, which failed because of their having taken legal proceedings by which, in the end, they recovered damages. The mischief thus done extended to a portion only of the mills upon the winning side. It does not appear to have led to retaliation. It was speedily checked by the interposition of the employers, but it must have left behind distrust and apprehension, which were expressly proved to have affected the votes of some few, and more than probably influenced many. For this interference with the free exercise of the franchise, proceeding in part, at least, from agency affecting the Members returned, the election is adjudged to be void.

7. The names of the persons mentioned in the next preceding paragraph are stated in obedience to "The Parliamentary Elections Act, 1868," section 11, article 14, letter (*b*), and not for the purpose of suggesting ulterior proceedings; on the contrary, it is respectfully submitted that, considering all the circumstances, any further vindication of the law is unnecessary.

J. S. Willes.

BODMIN ELECTION.

The Parliamentary Elections Act, 1868.

Election Petition for Bodmin.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Chambers, 1 March 1869.

In the Matter of a Petition presented to the Court of Common Pleas under "The Parliamentary Elections Act, 1868," by Richard Adams and others, voters at the last Parliamentary election for the Borough of Bodmin, against the Honourable Edward Frederick Leveson Gower, who was upon that occasion elected and returned, which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Honourable Edward Frederick Leveson Gower was not duly elected or returned, and that the said election was void,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:—

1. Edward Frederick Leveson Gower, the Member whose return is complained of by the petition, was duly elected and returned.

2. No corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

3. Upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have extensively prevailed at the election.

J. S. Willes.

BRADFORD ELECTION.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that, upon the 25th day of January 1869, and several days following, I duly held a Court at Bradford, in the County of York, for the trial of, and did try, the election petition for the Borough of Bradford aforesaid, between John Haley and others, Petitioners, and Henry William Ripley, Respondent.

And, in further pursuance of the said Act, I certify, that, at the conclusion of the said trial, I determined that the said Henry William Ripley, being the Member whose election and return were complained of in the said petition, was not duly elected, and that his election was void, because he, by his agents, was guilty of treating at the said election contrary to the statutes in such case made and provided; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election; in further pursuance of the said Act I report as follows:—

That, upon the trial of the said petition, no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates at the said election.

And, in pursuance of the said Act, I further report, that the persons who were proved at

App. No. 1.

Bradford.

the trial to have been guilty of corrupt practices are Edward Kitcheman, Jeremiah Ryan, William Bowen, Michael Lamb, Michael Coyne, William Luby, Patrick Dwyer, John Young, James Corkran, John Hoare, Richard Duffy, John Bray, James Rowney, James Tidswell, Robert Conroy, William Hinnigan, James Burke, Bryan O'Neile, Michael Manton, John Walsh, Patrick Murphy, William Handy, Samuel Abel, and Joseph Gibson.

And, in further pursuance of the said Act, I report, that, upon the evidence before me, there was no reason to believe that corrupt practices extensively prevailed at the election to which the said petition relates, except as stated in my special report.

And, in further pursuance of the said Act, I make this special report as to matters which arose in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons.

It was proved that the said Henry William Ripley had opened an unlimited credit at his bankers in favour of his agent, who availed himself of it to the extent of upwards of 7,200*l.*, and who sent in to the returning officer a mere abstract of totals of outlay unaccompanied by vouchers, and that this was knowingly done contrary to the statute 26 & 27 Vict. c. 29, s. 4. That, in one ward of the said borough, inhabited principally by Irishmen of the working class, large numbers were influenced by corrupt practices committed by the agents of the said Henry William Ripley, and that upwards of 100 public-houses and beerhouses were opened as committee-rooms, or pretended committee-rooms, in the interest of the said Henry William Ripley, where drink, without payment, was supplied to voters, which was afterwards paid for by the agents of the said Henry William Ripley.

SAMUEL MARTIN.

BRADFORD ELECTION.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify, that upon the 29th day of January 1869, and several days following, I duly held a Court at Bradford, in the County of York, for the trial of, and did try the election petition for the Borough of Bradford aforesaid, between Samuel Storey and Thomas Garnett, Petitioners; and William Edward Forster, Respondent.

And in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said William Edward Forster, the Member whose election and return were complained of in the said petition, was duly elected and returned, and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I report, in further pursuance of the said Act, as follows:

That upon the trial of the said petition no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates at the said election.

And I further, in pursuance of the said Act, report, that upon the trial of this petition there was not evidence before me that corrupt practices prevailed at the said election.

SAMUEL MARTIN.

BRADFORD ELECTION.

PARLIAMENTARY ELECTIONS ACT, 1868 (Section 36).

ELECTION PETITION, BRADFORD.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition for the Borough of Bradford, presented to the Court of Common Pleas, upon the 8th of January 1869, by Samuel Storey and Thomas Garnett, against the Right Honourable William Edward Forster, a Member of Parliament,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

I have given leave to withdraw the above petition, upon being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. WILLES.

App. No 1.

BRIDGWATER ELECTION.

Bridgwater.

The Parliamentary Elections Act, 1868.

Court for the Trial of an Election Petition for the Borough of Bridgwater, in the County of Somerset, between Henry Westropp, Esq., and Charles William Gray, Esq., Petitioners; and Alexander William Kinglake, Esq., and Philip Vanderbyl, Esq., Respondents.

To the Right Honourable the Speaker.

Sir, Bridgwater, 26 February 1869.

I hereby certify, that at the trial of the above election petition, I determined that Alexander William Kinglake, Esq., and Philip Vanderbyl, Esq., were not duly elected, and that the election was void.

And, in compliance with the directions of "The Parliamentary Elections Act, 1868," s. 11, I report,—

A. That Alexander William Kinglake, Esq., and Philip Vanderbyl, Esq., were by their agents guilty of bribery; and that it was not proved that such bribery was committed with the knowledge or consent of either of them.

B. That Henry Chapman Bussell was proved to have been guilty of bribery in paying 10 *l.* each to James Palmer, William Crocker, and James Hayward, to induce them to vote for Messrs. Kinglake and Vanderbyl; and by offering a similar sum to William Luckes; and that William Crocker and James Hayward were guilty of bribery in accepting the sum of 10 *l.* each for their votes.

C. That there is reason to believe that bribery extensively prevailed at the election; my reasons for coming to this conclusion are, that it appears that statements had been made, that if any money was paid to any voters on behalf of Messrs. Kinglake and Vanderbyl, the same sum should be paid to all who voted for them; the inquiry was stopped from its being admitted that agency was established with respect to Henry Chapman Bussell, so that it was not ascertained how far those statements were made by agents for whom the Members were responsible, but it was sufficiently proved that an expectation that these promises would be fulfilled, existed amongst the voters; that a large number of the voters refrained from voting till past one o'clock, about which time Henry Chapman Bussell was proved to have bribed the three persons above named, and there was strong reason to suspect (though it was not proved) that he bribed others, and that voters were also bribed by one Andrew Allan, both Bussell and Allan having gone away so that they could not be examined as witnesses.

That Messrs. Kinglake and Vanderbyl, who, before the proved and suspected giving of bribes, were in a great minority, immediately began to poll many votes, and were placed in a majority; and I therefore think there is reason to believe that many of the voters for them at this time were induced either by actual money paid to them, or the expectation of a sum similar to that paid to others.

Colin Blackburn, Election Judge.

CAMBRIDGE ELECTION.

Cambridge.

The Parliamentary Elections Act, 1868.

Cambridge Election Petition.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
22 March 1869.

In the Matter of a Petition presented to the Court of Common Pleas by Daniel Lloyd and John Brown, against Robert Richard Torrens, Esq., and William Fowler, Esq., Members of Parliament for the Borough of Cambridge, praying that it might be determined that the said Members respectively were not duly elected, and that the election was void,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

Leave has been given to withdraw the above petition, such withdrawal having been

App. No. 1.
Cambridge.

shown to my satisfaction not to be the result of any corrupt arrangement or in consideration of the withdrawal of any other petition, and no person applying to be substituted as Petitioner.

J. S. Willes.

Cheltenham.

CHELTENHAM ELECTION.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that upon the 8th day of February instant (1869), and several days following, I duly held a Court at Cheltenham, in the County of Gloucester, for the trial of, and did try, the election petition for the Borough of Cheltenham aforesaid, between James Tynte Agg Gardner, Petitioner, and Henry Bernhard Samuelson, Respondent.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Henry Bernhard Samuelson, being the Member whose election and return were complained of in the said petition, was duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I, in further pursuance of the said Act, report as follows:—

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the candidates at the said election.

And, I further report, in pursuance of the said Act, that upon the trial of the said petition, there was not evidence before me that any corrupt practices prevailed at the said election.

Samuel Martin.

Coventry.

COVENTRY ELECTION.

The Parliamentary Elections Act, 1868.

Election Petition for Coventry.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
1 March 1869.

In the Matter of a Petition presented to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by Thomas Berry Bishop and others, voters at the last Parliamentary election for the City of Coventry, against Henry William Eaton and Alexander Staveley Hill, Esqrs., who were upon that occasion elected and returned; which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said election and return of the said Henry William Eaton and the said Alexander Staveley Hill were and are null and void, and that the said Henry William Eaton and the said Alexander Staveley Hill were not duly elected or returned to Parliament,

I, Sir James Shaw Willes, Knight, being one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows;—

1. The said Henry William Eaton, one of the Members whose return is complained of by the petition, was duly elected and returned.

2. The said Alexander Staveley Hill, the other Member whose return is complained of by the petition, was duly elected and returned.

3. No corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

4. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

J. S. Willes.

App. No. 1.
Derbyshire, North.

DERBYSHIRE, NORTH, ELECTION.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

NORTH DERBYSHIRE ELECTION PETITIONS.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
22 March 1869.

IN the Matter of a Petition presented to the Court of Common Pleas by William Longsdon, Esq., and others, against Augustus Peter Arkwright, Esq., one of the Members of Parliament for Derbyshire, Northern Division, praying that it might be determined that the said Augustus Peter Arkwright was not duly elected or returned, and that his election and return were void; and also

In the Matter of a Petition presented to the Court of Common Pleas by John Broxup Coates and another against the Honourable George Henry Cavendish, commonly called Lord George Henry Cavendish, another of the Members of Parliament for Derbyshire, Northern Division, with a like prayer as to the election of the said Lord George Henry Cavendish,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

Leave has been given to withdraw each of the said petitions upon proof to my satisfaction that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and no one applying to be substituted as a Petitioner.

J. S. WILLES.

Gloucester.

GLOUCESTER ELECTION.

PARLIAMENTARY ELECTIONS ACT, 1868 (Section 36).

GLOUCESTER ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition presented to the Court of Common Pleas by Francis Niblett and others against William Philip Price and Charles James Monk, Esqrs., Members of Parliament, complaining of their election and return at the last Parliamentary election for the City of Gloucester,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows: viz.—

Upon the application of the Petitioners, I have given leave to withdraw the petition, being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. WILLES.

Guildford.

GUILDFORD ELECTION.

To the Right Honourable the Speaker of the House of Commons.

Judges' Chambers, 23 January 1869.

IN the Matter of a Petition presented to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by William Edward Elkins and others, being persons entitled to vote at the last Parliamentary election for the Borough of Guildford, against Guildford Hillier Mainwaring Ellerker Onslow, Esq., who was upon that occasion elected and returned; which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Guildford Hillier Mainwaring Ellerker Onslow, Esq., was not duly elected, and that the election was void,

I, Sir James Shaw Willes, being one of the Judges for the Trial of Election Petitions in

App. No. 1.

Guildford.

England, having heard and determined the said petition, do certify and report as follows:—

1. That Guildford Hillier Mainwaring Ellerker Onslow, Esq., the Member whose return is complained of by the petition, was duly elected and returned.

2. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

3. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

4. That James Corson and John Glynn, whose names were upon the register of voters, but who had ceased to reside, were induced to vote for the sitting Member by a promise of their expenses, conditional upon their so voting, made by Robert William Handford, and that after their voting they asked and received from him, in pursuance of that promise, each 5 *l.*, being more than their respective expenses. It did not, however, appear that Handford knew of the excess, or meant corruptly to reward them by an overpayment.

J. S. Willes.

Hartlepools.

HARTLEPOOLS ELECTION.

Parliamentary Elections Act, 1868 (Section 36).

Hartlepools Election Petition.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
8 March 1869.

In the Matter of an Election Petition presented to the Court of Common Pleas by William Gray and others against Ralph Ward Jackson, Esq., Member of Parliament, complaining of his election and return at the last Parliamentary election for the Borough of the Hartlepools.

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows: viz.—

Upon the application of the Petitioners, I have given leave to withdraw the petition, being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. Willes.

Hereford.

HEREFORD CITY ELECTION.

The Parliamentary Elections Act, 1868.

Court for the Trial of an Election Petition for the City of Hereford, between Francis Henry Thomas, Esq., Josiah Webbe Goldsworthy, Esq., and John Cleave, Esq., Petitioners; and George Clive, Esq., and John William Shaw Wyllie, Esq., Respondents.

To the Right Honourable the Speaker.

Sir, Oldham, 16 March 1869.

I hereby certify that, at the trial of the above election petition, I determined that George Clive, Esq., and John William Shaw Wyllie, Esq., the Members whose return and election is complained of, were not duly elected, and that the election was void.

And, in compliance with the directions of "The Parliamentary Elections Act, 1868," s. 11, I report—

A. That no corrupt practice has been proved to have been committed by or with the knowledge or consent of any candidate at the said election.

B. That it was proved at the trial that the said George Clive, Esq., and John William Shaw Wyllie, Esq., were, by their agents, guilty of treating.

C. That corrupt practices have not been proved to have, nor is there any reason to believe that corrupt practices have, extensively prevailed at the said election.

Colin Blackburn, Election Judge.

App. No. 1.

King's Lynn.

KING'S LYNN ELECTION.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 16th day of March 1869 and the following day, I duly held a Court at King's Lynn, in the county of Norfolk, for the trial of, and did try, the election petition for the borough of King's Lynn aforesaid, between William Armes and George Holditch, Petitioners; and the Honourable Robert Bourke, Respondent.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial, I determined that the said Robert Bourke, being the Member whose election and return were complained of in the said petition, was duly elected and returned, and I do hereby certify in writing such my determination to you.

And whereas charges were made of corrupt practices having been committed at the said election, in further pursuance of the said Act I report as follows:—

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the candidates at the said election.

And I further report, in pursuance of the said Act, that, upon the trial of the said petition, there was not evidence before me that any corrupt practices prevailed at the said election.

SAMUEL MARTIN.

Kingston-upon-Hull.

KINGSTON-UPON-HULL ELECTION.

PARLIAMENTARY ELECTIONS ACT, 1868.

KINGSTON-UPON-HULL ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition presented to the Court of Common Pleas by Joseph Walker Pease and others against Charles Morgan Norwood and James Clay, Esquires, Members of Parliament, complaining of their election and return at the last Parliamentary election for the Borough of Kingston-upon-Hull,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows, viz.:—

Upon the application of the Petitioners I have given leave to withdraw the petition, being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. WILLES.

Lichfield.

LICHFIELD ELECTION.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chamber, 1 February 1869.

IN the Matter of a Petition to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by the Honourable Augustus Henry Archibald Anson, a candidate at the last Parliamentary election for the City of Lichfield, against Richard Dyott, Esq., who was upon that occasion elected and returned: which Petition alleged amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Richard Dyott was not duly elected, and ought not to have been returned, and that the said Augustus Henry Archibald Anson was duly elected, and ought to have been returned, or that the election was void,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report as follows:—

1. Richard Dyott, Esq., the Member whose return is complained of by the petition, was duly elected and returned.

App. No. 1.

Lichfield.

2. No corrupt practice was proved to have been committed by or with the knowledge of consent of any candidate at such election.

3. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that they have, extensively prevailed at the election.

J. S. Willes.

Norwich.

NORWICH ELECTION.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify—

1. That upon the 14th day of January instant, and several days following, I duly held a Court at Norwich for the Trial of, and did try, the Election Petition for the city of Norwich between Jacob Henry Tillett, Petitioner, and Sir Henry Josias Stracey, Respondent.

2. And, in further pursuance of the said Act, I certify that, at the conclusion of the said trial, I determined that the said Sir Henry Josias Stracey, being the Member whose return and election were complained of in the said petition, was not duly elected, and that his election was void; and I do hereby certify in writing such my determination to you.

3. And whereas charges were made in the said petition of corrupt practices having been ommitted at the said election; in further pursuance of said Act I report as follows:—

4. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates at the said election; and, further, that it was proved to my satisfaction that neither the said Sir Henry Josias Stracey or the other candidates at the said election had any personal knowledge or connection whatever with bribery or any other illegal or corrupt practice.

5. And I further report that the names of persons who were proved at the trial to have been guilty of corrupt practices are Robert Hardiment, Arthur Hunt, Robert Callow, and Thomas Hutchings.

6. And I further report that corrupt practices did prevail at the said election, and that there is reason to believe that corrupt practices did extensively prevail at the same, and that they were of the nature stated in my special Report, which follows.

7. And I do further, in pursuance of the said Act, make this Special Report as to matters which arose in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons.

At the middle of the day of polling Sir William Russell and Mr. Tillett, the Liberal candidates, had a considerable majority, and there is no reason to believe that up to this time any corrupt vote had been given on either side; but from thence until the close of the poll I believe that bribery was extensively committed in order to procure the election of Sir Henry Josias Stracey. So far as the evidence went, the voters who were bribed were of one class, viz., workmen or labourers for daily wages. These people did not go to work that day, but collected in considerable numbers in and about public-houses and beer-shops, and there waited to be bribed. Some of them either of themselves thought, or it was suggested to them by others, that it was reasonable and just they should be paid their day's wages by the candidate for whom they voted. It may be that in some instances this feeling was honestly entertained, but in the great majority of instances it was a mere pretext in order to obtain bribes. A number of these voters went to the poll in a gross state of drunkenness, some of them so drunk as not to know for whom they came to vote; and I have no doubt that a very considerable number of bribed voters gave their votes between two and four o'clock of the day of polling. I expected that there would have been a scrutiny, but it was abandoned on behalf of Mr. Tillett, and I am, therefore, unable to state the number of the bribed voters. I am also unable to state who the bribers were, with the exception of the man Hardiment, who absconded after the petition was presented, and the man Arthur Hunt, who was examined at the trial. Another man, called Warledge, also absconded after the petition was presented, and he, probably, was extensively employed in bribing. The sums paid to each bribed voter was small. One pound to each was the sum proved to have been paid by Hardiment, and 7 *s.* 6 *d.* each to the voters bribed by Hunt. I am also unable to state what amount of money was spent in bribery, and I failed to obtain any information as to the source from whence the money came, or the persons by whom it was supplied to the bribers; but I believe that there was a corrupt agency at Norwich by which the money was supplied. Both Sir H. J. Stracey and a gentleman (Mr. Patterson) who was an active supporter of his, and also Mr. Chittock, the election agent for Sir Henry, all stated upon their examinations that they did not know, and had no suspicion, from what source or quarter the money used in bribery came.

I regret

I regret that I am unable to give further information upon this matter; but the trial before me was confined to evidence as to bribery (one instance being sufficient) on behalf of Sir H. J. Stracey or an agent for whom he was responsible, or by Mr. Tillet or an agent for whom he was responsible. The case of general bribery, therefore, arose only incidentally. If it be deemed right to have this matter further investigated, it can only be done under the provisions of the 15 & 16 Vict. c. 57.

The claim to the seat by Mr. Tillett was abandoned for reasons satisfactory to me; and I believe the election was, on his part, perfectly pure.

A copy of the evidence, taken by the deputy of the short hand-writer of the House of Commons, accompanies this, my certificate.

22 January 1869. SAMUEL MARTIN.

NORWICH ELECTION.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, the Judge who tried the said election petition, and made my report to you of my determination thereon, dated 22nd January 1869, further report, that I determined that Sir Henry Josias Stracey, Baronet, was not duly elected, and that his election was void, because he, by his agent, was guilty of bribery at the said election.

SAMUEL MARTIN.

PENRYN ELECTION.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

ELECTION PETITION FOR PENRYN.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chambers,
1 March 1869.

IN the Matter of a Petition presented to the Court of Common Pleas under "The Parliamentary Elections Act, 1868," by Robert Richards Broad and others, voters at the last Parliamentary Election for the Borough of Penryn, against Robert Nicholas Fowler and Edward Backhouse Eastwick, Esqrs., who were upon that occasion elected and returned, which Petition alleged, amongst other things, corrupt practices to have been committed at the Election, and prayed that it might be determined that the said Robert Nicholas Fowler and Edward Backhouse Eastwick were not duly elected or returned, and that their said election and return were and are wholly null and void,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:—

1. The said Robert Nicholas Fowler, one of the Members whose return is complained of by the petition, was duly elected and returned.

2. The said Edward Backhouse Eastwick, the other Member whose return is complained of by the petition, was duly elected and returned.

3. No corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

4. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

J. S. WILLES.

App. No. 1.

Preston.

PRESTON ELECTION.

PARLIAMENTARY ELECTIONS ACT, 1868 (Sec. 36).

PRESTON ELECTION PETITION.

To the Right Honoura ble the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition presented to the Court of Common Pleas by Joseph Toulmin and Richard Pemberton, against Edward Hermon, Esq., and Sir Thomas George Fermor Hesketh, Baronet, Members of Parliament, complaining of their election and return at the last Parliamentary election for the Borough of Preston.

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows, viz.:—

Upon the application of the Petitioners I have given leave to withdraw the petition, being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. WILLES.

Salford.

SALFORD ELECTION.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that upon the 24th day of February 1869, and several days following, I duly held a Court at Salford, in the county of Lancaster, for the trial of, and did try, the election petition for the borough of Salford aforesaid, between Roderick Anderson, Jesse Bryant, and Edward Charlton Harding, Petitioners; and Charles Edward Cawley and William Thomas Charley, Respondents.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Charles Edward Cawley and William Thomas Charley, being the Members whose elections and return were complained of in the said petition, were duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I, in further pursuance of the said Act, report as follows:—

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the candidates at the said election.

And I further report, in pursuance of the said Act, that upon the trial of the said petition there was not evidence before me that corrupt practices extensively prevailed at the said election.

SAMUEL MARTIN.

Stalybridge.

STALYBRIDGE ELECTION.

COURT for the Trial of an Election Petition for the Borough of Stalybridge, between James Ogden, John Wooley, and Abel Buckley, Petitioners; and James Sidebottom, Esq., Respondent.

To the Right Honourable the Speaker.

Sir, Stalybridge, 13 February 1869.

I HEREBY certify that, at the trial of the above election petition, I determined that James Sidebottom, Esq., the Member whose return and election is complained of, was duly returned and elected.

And in compliance with the directions of "The Parliamentary Election Act, 1868," sect. 11, I report—

a. That no corrupt practice has been proved to have been committed by or with the knowledge or consent of any candidate at the said election.

b. That it was proved at the trial that Richard Evans and Thomas Gilbert were bribed to vote for the said James Sidebottom, Esq., by a promise made by Joseph Thornely that, if they did so, their day's wages should be made good to them; but that the said bribe was not by an agent of the said James Sidebottom, Esq.

c. That corrupt practices have not been proved to have, nor is there any reason to believe that corrupt practices have, extensively prevailed at the said election.

COLIN BLACKBURN,
Election Judge.

App. No. 1.

STOCKPORT ELECTION.

Stockport.

In the Matter of two Election Petitions for the Borough of Stockport, between James Walton, Esq., of Stockport, and William Jones, of Stockport, Petitioners, and John Benjamin Smith, Esq., Respondent; and Ephraim Hallam, Esq., of Oldfield Hall, near Stockport, and John Eskrigge, Esq., of Stockport, Petitioners, and William Tipping, Respondent.

To the Right Honourable the Speaker.

Judges' Chambers, Chancery-lane,
8 February 1869.

Sir,

In the above petitions I have given leave to the Petitioners in each case to withdraw the petition, and, in compliance with the 36th section of "The Parliamentary Elections Act, 1868," I beg to report that after causing full notice to be given in the Borough of Stockport of the time and place at which the application was to be heard, no person appeared before me to give any evidence showing that the withdrawal of the petitions was the result of any corrupt arrangement, or that the withdrawal of one petition was in consideration of the withdrawal of the other; and the Petitioners and Respondents in each case, being required by me so to do, made affidavit that, according to their knowledge, information, and belief, no such arrangement or consideration existed.

I think it impossible that such matters could exist without their or some of them knowing, being informed, or believing that they existed.

I therefore report that, in my opinion, the withdrawal of those petitions was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

I have the honour to be,
Colin Blackburn,
Election Judge.

TAMWORTH ELECTION.

Tamworth.

To the Right Honourable the Speaker of the House of Commons.

Judges' Lodgings, Coventry,
18 February 1869.

In the Matter of a Petition presented to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by John Hill and Thomas Watton, voters at the last Parliamentary Election for the Borough of Tamworth, against the Right Honourable Sir Robert Peel, Bart., and the Right Honourable Sir Henry Lytton Bulwer, Knt., who were upon that occasion elected and returned, which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Right Honourable Sir Robert Peel, Bart., was not duly elected or returned, and that the election of him was void; and that the said Right Honourable Sir Henry Lytton Bulwer, Knt., was not duly elected or returned, and that the election of him was void,

I, Sir James Shaw Willes, Knight, being one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:—

1. The said Right Honourable Sir Robert Peel, Bart., one of the Members whose return is complained of by the petition, was duly elected and returned.

2. The Right Honourable Sir Henry Lytton Bulwer, Knt., the other Member whose return is complained of by the Petitioner, was duly elected and returned.

3. No corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

4. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

J. S. Willes.

TAUNTON ELECTION.

Taunton.

To the Right Honourable the Speaker of the House of Commons.

An Election Petition for the Borough of Taunton, in the County of Somerset, between John Dyke and William Oaten, Petitioners; and Alexander Charles Barclay, Respondent.

I, the undersigned Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England,

App. No. 1. Taunton.

England, do hereby certify and report to you that I have this day heard an application, made in the manner prescribed by "The Parliamentary Elections Act, 1688," for the withdrawal of this petition, and have given leave to withdraw the same; and I further report to you that, in my opinion, the withdrawal of this petition was not the result of any corrupt arrangement or in consideration of the withdrawal of any other petition.

SAMUEL MARTIN.

TAUNTON ELECTION.

THE ELECTION PETITIONS ACT, 1868.

COURT for the Trial of an Election Petition for the Borough of Taunton, in the County of Somerset, between Thomas Meredith Williams and Joseph Mellor, Petitioners; and Edward William Cox, Esq., Respondent.

To the Right Honourable the Speaker.

Sir, Taunton, 5 March 1869.

I HEREBY certify that at the trial of the above election petition, I determined that Mr. Serjeant Cox, the Member whose election is complained of, was not duly returned and elected, and that Henry James, Esq., was duly elected.

And, in compliance with the directions of "The Parliamentary Elections Act," 1868, s. 11, I report—

A. That Mr. Serjeant Cox was by his agents guilty of bribery at the election, but that no corrupt practice was proved to have been committed with the knowledge or consent of any candidate at the election.

B. That James Shepherd, acting for a body called the Constitutional and Conservative Association, who were agents for Mr. Serjeant Cox, was proved to be guilty of bribery in distributing 5 *s.* each to a large number of voters (under colour of paying them for their attendance before the revising barrister), in order to induce them to vote for Mr. Serjeant Cox. And that the following persons, John Chigley, Edward Crosby, Mark Beesly, William Smith, Robert Hughes, Abraham Cann, James Edney, Henry Calbraith, John Deane, James Cole, Thomas Wood, and William Stuckey, were proved to be guilty of bribery in receiving the sums of 5 *s.* each for voting.

C. That the corrupt practice of paying the sum of 5 *s.* to voters, under colour of paying as it was called Barristers' Court Money, did extensively prevail at the election, but that there was no reason to believe that any other corrupt practice extensively prevailed.

COLIN BLACKBURN,
Election Judge.

Thirsk.

THIRSK ELECTION.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

THIRSK ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, Judges' Chambers,
22 March 1869.

IN the Matter of a Petition presented to the Court of Common Pleas by Frederic Bell, Esq., and others, against Sir William Payne Gallwey, Baronet, Member of Parliament for the Borough of Thirsk, praying that it might be determined that the said Sir William Payne Gallwey was not duly elected or returned, and that his election was void,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

Leave has been given to withdraw the above petition upon proof to my satisfaction that such withdrawal was not the result of any corrupt arrangement, and no person applying to be substituted as Petitioner.

J. S. WILLES.

WALLINGFORD ELECTION.

COURT for the Trial of the Election Petition for the Borough of Wallingford, between Sir Charles Wentworth Dilke, Petitioner, and Stanley Vickers, Esq., Respondent.

To the Right Honourable the Speaker.

Sir, Wallingford, 6 February 1869.

IN compliance with the direction of "The Parliamentary Elections Act, 1868," I beg to certify that I have determined that Stanley Vickers, Esq., the Member whose return is complained of, was duly returned and elected.

And I further beg to report that no corrupt practice has been proved to exist, nor is there reason to believe that corrupt practices have extensively prevailed, at the election to which this petition relates.

I have the honour to be,
COLIN BLACKBURN,
Election Judge.

WARRINGTON ELECTION.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby certify, in pursuance of the said Act, that upon the 3rd day of February instant (1869) and the following day, I duly held a Court at Warrington, in the counties of Lancaster and Chester, for the trial of, and did try, the election petition for the Borough of Warrington aforesaid, between Miles Crozier and others, Petitioners, and Peter Rylands, Respondent.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Peter Rylands, being the Member whose election and return were complained of in the said petition, was duly elected and returned, and that the election for the said borough, held on the 17th day of November last, was not void as alleged in the said petition, but was a valid election, and I do certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I report, in further pursuance of the said Act, as follows:—

That upon the trial of the said petition no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at the said election.

And I further, in pursuance of the said Act, report that upon the trial of the said petition there was not evidence before me that corrupt practices prevailed at the said election.

SAMUEL MARTIN.

WESTBURY ELECTION.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chamber,
6 February 1869.

IN the Matter of a Petition presented to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by Abraham Laverton, a candidate at the last Parliamentary election for the Borough of Westbury, against John Lewis Phipps, Esq., who was upon that occasion elected and returned, which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said John Lewis Phipps was not duly elected or returned; and that the election and return was wholly null and void, and that the said Abraham Laverton was duly elected, and ought to have been returned,

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:—

1. John Lewis Phipps, Esq., the Member whose election and return are complained of by the petition, was not duly elected and returned, and the election was void.

2. Joseph Harrop, of Westbury, cloth manufacturer, one of the committee of the said John Lewis Phipps, and an agent for whose conduct the said John Lewis Phipps was in

App. No. 1.

Westbury.

point of law responsible, was, as such agent, guilty of undue influence at the election, within the meaning of "The Corrupt Practices Prevention Act, 1854"; and did, in canvassing the workmen in his employ, who were voters, and had a right to vote at the election, practise intimidation upon them in order to induce them either to vote for the said John Lewis Phipps, or, if they did not so vote, then to refrain from voting at the said election; and by reason of the conduct of the said Joseph Harrop, the said John Lewis Phipps was by his agent, but not personally, guilty of undue influence at such election, within the meaning of "The Corrupt Practices Prevention Act, 1854," sect. 36.

3. No corrupt practice was proved to have been committed by or with the knowledge and consent of the said John Lewis Phipps, or any candidate at such election.

4. Upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that they have, extensively prevailed at the election.

5. The Petitioner abandoned, and there was no evidence to sustain, the prayer of the petition, that he should be declared to have been duly elected; and the said election has, therefore, become, was, and is, wholly null and void.

J. S. Willes.

Westminster.

WESTMINSTER ELECTION.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that upon the 12th day of February instant (1869), and several days following, I duly held a Court at Westminster, in the county of Middlesex, for the trial of, and did try, the election petition for the borough of Westminster aforesaid, between James Beal and others, Petitioners; and William Henry Smith, Respondent.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said William Henry Smith, being the Member whose election and return were complained of in the said petition, was duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I, in further pursuance of the said Act, report as follows:—

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the candidates at the said election.

And I further report, in pursuance of the said Act, that, upon the trial of the said petition, there was not evidence before me that any corrupt practices prevailed at the said election.

Samuel Martin.

Wigan.

WIGAN ELECTION.

Parliamentary Elections Act, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 3rd day of March 1869, and several days following, I duly held a Court at Wigan, in the county of Lancaster, for the trial of, and did try, the election petition for the borough of Wigan aforesaid, between Daniel Brayshay and William Atkinson, Petitioners; and Henry Woods and John Lancaster, Respondents.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Henry Woods and John Lancaster, being the Members whose election and return were complained of in the said petition, were duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I, in further pursuance of the said Act, report as follows:—

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the said candidates at the said election.

And I further report, in pursuance of the said Act, that upon the trial of the said petition there was not evidence before me that any corrupt practices prevailed at the said election.

Samuel Martin.

App. No. 1.

WINDSOR ELECTION.

Windsor.

To the Right Honourable the Speaker of the House of Commons.

Windsor, 15 January 1869.

In the Matter of a Petition to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by Robert Richardson Gardner, Esq., a candidate at the last Parliamentary election for the Borough of New Windsor, against Roger Eykyn, Esq., who was upon that occasion elected and returned; which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Roger Eykyn was not duly elected, and ought not to have been returned, and that the said Robert Richardson Gardner was duly elected, and ought to have been returned, or that the election was void; I, being one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report as follows:—

1. That Roger Eykyn, the Member whose return is complained of by the petition, was duly elected and returned.

2. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

3. Upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

4. After the close of the Petitioner's case, and the address of the Respondent's counsel in answer thereto, the Petitioner's counsel stated, in effect, that his client, the Petitioner, felt that the charge of corrupt practices was now made out against the Respondent, and that the Petitioner did not desire to proceed to a scrutiny.

5. Whereupon, and after hearing the examination of the Respondent and two of his alleged agents, I was satisfied that the course taken was not the result of compromise; and I did not require the counsel for the Respondent to proceed further, nor did I consider it my duty to initiate a general inquiry into the proceedings at the election.

J. S. Willes.

SCOTLAND.

DUMFRIES COUNTY ELECTION.

Dumfries.

Unto the Right Honourable the Speaker of the House of Commons.

In the Petition of Major George Gustavus Walker to have the election of Sir Sydney Hedley Waterlow, Knight, as Member of Parliament for the County of Dumfries, in November 1868, set aside as void,

The Report of Lord Cowan, one of the Election Judges for Scotland.

This petition was lodged with the prescribed officer on the 14th of December 1868.

The trial of the petition was fixed for Monday the 1st of February 1869.

Thereafter an application having been made by the Petitioner to withdraw the petition, the parties were heard upon this application before me on the 22nd of January 1869, and after due notice, no other party having appeared proposing that he should be substituted as Petitioner, the petition was of same date held to be withdrawn, the Petitioner being found liable in costs to the Respondent in terms of the Statute.

I have further to report that the withdrawal of this petition was not, in my opinion, the result of any arrangement between the Petitioner and Respondent, or any other party, and that there was no petition against the return of Sir Sydney Hedley Waterlow, as Member of Parliament for the County of Dumfries, other than that by Major Walker withdrawn as aforesaid.

John Cowan.

Edinburgh, 26 January 1869.

App. No. 1.

Greenock.

GREENOCK ELECTION.

Unto the Right Honourable the Speaker of the House of Commons.

I, Edward Francis Maitland, Lord Barcaple, one of the Judges of the Court of Session in Scotland, and one of the Judges, for the time being, for the Trial of Election Petitions in Scotland, pursuant to the "Parliamentary Elections Act, 1868," do hereby certify to the Right Honourable the Speaker of the House of Commons, that, at the conclusion of the trial of an election petition for the Borough of Greenock, at the instance of William Dougal Christie, Esq., of 32, Dorset-square, London, Petitioner, a candidate at the election for the said Borough of Greenock in November last, praying to have it determined that, at said election, James Johnstone Grieve was not duly elected or returned Member for Greenock, and that the election was void, which trial was holden before me, at Greenock, on the 9th day of February 1869, and four following days, I did find and determine that the said James Johnstone Grieve was duly elected and returned as Member to serve in Parliament for the Borough of Greenock. And I humbly report that it has not been proved that any corrupt practice has been committed by or with the knowledge and consent of any candidate at said election; and that there is no reason to believe that corrupt practices have extensively prevailed at said election.

Given under my hand at Edinburgh, this 15th day of February 1869.

E. F. Maitland.

Wick.

WICK DISTRICT OF BURGHS.

Parliamentary Election Act, 1868.

Unto the Right Honourable the Speaker of the House of Commons.

In the Petition of Edmund Beatty Lockyer, Esq., to have the election of George Loch, Esq., as Member of Parliament for the Wick or Northern Burghs, in November 1868, set aside as void.

The Report of Lord Jerviswoode, one of the Election Judges for Scotland.

The petition was lodged with the prescribed officer of this date, 19th December 1868.

The trial of the petition was fixed for Monday the 15th day of February 1869.

Thereafter an application having been made by the Petitioner for leave to withdraw the petition, the trial having in consequence thereof been postponed until 4th March next, the parties were heard upon this application before me this day, and after due notice no other person having appeared proposing that he should be substituted as Petitioner, the petition was held to be withdrawn, the Petitioner being found liable in costs to the Respondent in terms of the Statute.

I have further to report that the withdrawal of this petition was not, in my opinion, the result of any arrangement between the Petitioner and Respondent, or any other party, and that there was no other petition against the return of Mr. Loch as Member of Parliament for the Wick or Northern Burghs, other than that by Mr. Lockyer withdrawn as aforesaid.

Edinburgh, 26 February 1869. Charles Baillie.

IRELAND.

Athlone.

ATHLONE ELECTION.

Court of Common Pleas, Ireland.

In the Matter of the Petition of John Stamforth, Esq., of Jermyn-street, Middlesex, Petitioner; John James Ennis, Esq., Respondent.

To the Right Honourable the Speaker of the House of Commons.

The said Court of Common Pleas, in pursuance of the provisions of the 36th section of said Act, do hereby report to the Right Honourable the Speaker of the House of Commons,

That the petition in this matter, a copy of which is hereunto annexed, was duly presented to this Court on the 17th day of December 1868.

And

App. No. 1.

Athlone.

And that the Petitioner, on the 27th day of January inst., applied to the Court, by special application, pursuant to the said Statute, for leave to withdraw said petition.

And it appearing to the Court, that the notice of the said application required by said Act had been given in the said borough, and no person having applied to be substituted as Petitioner instead of the said John Stamforth.

The Court on said 27th day of January made an order permitting the said petition to be withdrawn, and same has been withdrawn accordingly.

And the Court do hereby report to the Right Honourable the Speaker of the House of Commons, that, in their opinion, the withdrawal of the said petition was not the result of any corrupt arrangement or in consideration of the withdrawal of any other petition.

Signed, on behalf of the Court, this 29th day of January 1869.

JAMES HENRY MONAHAN,
Chief Justice, Common Pleas.

BELFAST ELECTION.

Belfast.

IN the Matter of an Election Petition for the Borough of Belfast, between James M'Tier and Charles Murray Arundell, Petitioners; and Thomas M'Clure, Respondent,

I do hereby certify to the Right Honourable the Speaker that a court for the trial of the above-named petition was holden before me, at Belfast, on the 27th, 28th, 29th, and 30th days of January 1869, and that, at the conclusion of the said trial I did, on the said 30th day of January 1869, determine

That the said Thomas M'Clure was duly elected to serve as a Member of Parliament for the said borough at the election in the said petition mentioned.

And, in addition to the said certificate, I do hereby further report:—

That no corrupt practice has been proved to have been committed by or with the knowledge and consent of any candidate at such election; and

That I have no reason to believe that corrupt practices have extensively prevailed at such election.

A copy of the petition and a copy of the evidence given at the trial, taken down by the deputy of the shorthand-writer of the House of Commons, accompany this my certificate

Given under my hand this 2nd day of February 1869.

F. A. FITZGERALD,
A Baron of the Exchequer in Ireland, and one of the Judges for the time being for the Trial of Election Petitions in Ireland, pursuant to "The Parliamentary Elections Act, 1868"

CARLOW BOROUGH ELECTION.

Carlow.

To the Right Honourable the Speaker of the House of Commons.

Court of Common Pleas, Ireland.

IN the Matter of the Petition of Richard Boardman, of Carlow, Wheelwright and Carpenter, Petitioner; and William Fagan, Esq., Respondent.

The said Court of Common Pleas, in pursuance of the provisions of the 36th section of said Act, do hereby report to the Right Honourable the Speaker of the House of Commons:—

That the petition in this matter was duly presented to this court on the 16th day of December 1868, and that the Petitioner, on the 26th day of January instant, applied to the Court by special application, pursuant to the said statute, for leave to withdraw said petition.

And it appearing to the Court that the notice of the said application required by said Act had been given in the said borough, and no person having applied to be substituted as Petitioner instead of the said Richard Boardman,

The Court, on said 26th day of January, made an order permitting the said petition to be withdrawn, and same has been withdrawn accordingly.

And the Court do hereby report to the Right Honourable the Speaker of the House of Commons, that, in their opinion, the withdrawal of the said petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

Signed, on behalf of the Court, this 29th day of January 1869.

JAMES HENRY MONAHAN,
Chief Justice, Common Pleas.

App. No. 1.

Carrickfergus.

CARRICKFERGUS ELECTION.

To the Right Honourable the Speaker of the House of Commons.

In the Matter of an Election Petition for the Borough of Carrickfergus, between Robert Torrens, Esq., Petitioner; and Marriott Robert Dalway, Esq., Respondent.

I hereby certify to the Right Honourable the Speaker of the House of Commons that the above-mentioned petition was tried before me, at Carrickfergus, on the 21st, 22nd, 23rd, 25th, and 26th days of January 1869; and that at the conclusion of the said trial I did, on the said 26th day of January, determine that the said Marriott Robert Dalway, whose election was complained of by said petition, was duly elected to serve in the present Parliament for the borough of Carrickfergus.

And, in addition to the foregoing certificate, I hereby further report to the Right Honourable the Speaker, that no corrupt practice has been proved to have been committed by or with the knowledge or consent of any candidate at such election.

And further, that on the evidence before me, it did not appear that corrupt practices extensively prevailed at said election; and I have no reason to believe that corrupt practices did extensively prevail at said election.

I beg also to state that a copy of said petition, and a copy of the evidence given at the trial, taken down by the deputy of the shorthand-writer of the House of Commons, accompany this certificate.

Given under my hand this 13th day of February 1869.

James O'Brien,
One of the Judges for the time being on the Rota for the Trial of Election Petitions in Ireland, pursuant to said "Parliamentary Elections Act, 1868."

Cashel.

CASHEL ELECTION.

Parliamentary Elections Act, 1868.

To the Right Honourable The Speaker of the House of Commons.

In the Matter of an Election Petition for the Borough of Cashel, between Henry Munster, Petitioner; and James Lyster O'Beirne, Respondent; and of another Election Petition for the said Borough of Cashel, between the same Petitioner and the same Respondent.

I do hereby certify to the Right Honourable the Speaker that the election petitions above mentioned were tried together before me at Cashel, upon the 16th, 17th, 18th, 19th, and 20th days of February 1869; and that at the conclusion of the said trial I did, on the said 20th day of February, determine that the said James Lyster O'Beirne was not duly elected or returned to serve in Parliament as Member for said borough of Cashel at the election to which said petitions relate; and further, that the said Henry Munster was not duly elected, and ought not to have been returned to serve as aforesaid, inasmuch as the said Henry Munster was not proved to have had a majority of legal votes, and was moreover proved at the said trial to have been guilty, by his agents, of bribery at the said election; and further, that the said election was void.

And, in addition to the above certificate, I do report,—

1st. That the corrupt practice of bribery was proved to have been committed by, and with the knowledge and consent of, the said James Lyster O'Beirne at the said election; such bribery consisting in the payment to voters of alleged claims of money against the said James Lyster O'Beirne, arising out of a previous election for the said borough, in the year 1865, and also in the paying and agreeing to pay large sums of money to voters for the hire of apartments in the houses of such voters, colourably for the purpose of committee or tally-rooms, such payments and agreements respectively being made in order to induce such voters to vote for the said James Lyster O'Beirne at the said election. And further, that no corrupt practice was proved to have been committed by, or with the knowledge or consent of, the said Henry Munster at the said election.

2nd. That the several persons hereinafter named, and all of whom are mentioned and described in the evidence given at the said trial, were proved at the said trial to have been guilty of corrupt practices; that is to say, Simon Tracy, Patrick Laffan, and Patrick Cunningham, of bribery under the 2nd section of "The Corrupt Practices Prevention Act, 1854."

And

And Michael Hanley, Michael Ryan, Thomas Murphy, Michael Coffey, and Edward Walshe, of bribery under the 3rd section of the same Act; but that all said several persons, except the said Simon Tracy and Patrick Laffan were examined before me as witnesses at the said trial, and were, in my opinion, respectively entitled to certificates, under the 33rd section of "The Parliamentary Elections Act, 1868."

3rd. That, from the evidence given at the said trial, I have reason to believe that the corrupt practice of bribery did extensively prevail at the election to which the said petitions relate.

Copies of the said petitions, and of the evidence given at the said trial, as taken down by the deputy of the shorthand writer of the House of Commons, accompany this my certificate and report.

Given under my hand, at Dublin, on the 22nd day of February 1869.

F. A. FitzGerald,
A Baron of the Exchequer in Ireland, and one of the Judges for the time being for the Trial of Election Petitions in Ireland, pursuant to "The Parliamentary Elections Act, 1868."

DROGHEDA ELECTION.

Court for the Trial of an Election Petition for the Borough of Drogheda, between Sir F. Leopold M'Clintock, Petitioner; and Benjamin Whitworth, Respondent.

The petition between the aforesaid parties came on for trial before me at Drogheda on the 15th, 16th, 18th, and 19th days of January 1869, and thereupon I determined as follows:—

1st. That Benjamin Whitworth, Esq., is not duly elected a burgess to serve in the present Parliament for the borough and county of the town of Drogheda.

2nd. That said election for said borough and county of the town of Drogheda is a void election.

3rd. That Benjamin Whitworth, Esq., was, by himself and by his agents, guilty of undue influence at the said election for said borough and county of the town of Drogheda.

4th. That a system of intimidation was organised and carried out at the last election for the said borough and county of the town of Drogheda subversive of the freedom of election; and outrages were committed which were calculated to deter, and did in fact deter, a considerable number of voters from exercising their franchise at the last election.

5th. That Benjamin Whitworth, Esq., shall pay the costs of this petition.

And I do accordingly hereby certify to the Right Honourable the Speaker of the House of Commons,—

1st. That the said Benjamin Whitworth, Esq., is not duly elected a burgess to serve in the present Parliament for the borough and county of the town of Drogheda.

2nd. That said election for said borough and county of the town of Drogheda is a void election.

3rd. That Benjamin Whitworth, Esq., was, by himself and by his agents, guilty of undue influence at the said election for said borough and county of the town of Drogheda.

4th. That a system of intimidation was organised and carried out at the last election for the said borough and county of the town of Drogheda subversive of the freedom of election; and outrages were committed which were calculated to deter, and did in fact deter, a considerable number of voters from exercising their franchise at the last election for said borough of the county of the town of Drogheda.

Dated this 25th day of January, 1869.

William Keogh,
One of the Judges on the Rota for the Trial of Election Petitions in Ireland.

This certificate is accompanied by a copy of the evidence given at the trial, as taken by the shorthand writer of the House of Commons, sworn by me pursuant to the statute.

William Keogh.

App. No. 1.

Dublin.

DUBLIN CITY ELECTION.

In the Matter of the Petition of George Foley and Thomas Woodlock, Petitioners; Sir Arthur Edward Guinness, Baronet, Respondent.

THE matter of this petition came on to be tried before me, at Dublin, on the 23rd day of January last, and continued on 10 succeeding days, in presence of the parties, their counsel, and agents; and having heard the evidence, and what was offered on both sides, at the conclusion of the trial, on the 5th day of February 1869, I determined, and I do accordingly certify to the Right Honourable the Speaker of the House of Commons, that the last election for the said county of the city of Dublin was, so far as related to the return of the said Sir Arthur Edward Guinness, baronet, a void election, and—

That the said Sir Arthur Edward Guinness, baronet, was not duly elected to serve in Parliament for the said county of the city of Dublin.

That the said Sir Arthur Edward Guinness, baronet, was, by his agents, guilty of bribery at said election; and I do hereby report that it has not been proved before me that such bribery was committed by, or with the knowledge or consent of, the said Sir Arthur Edward Guinness, baronet; and I do further report—

That the following freemen electors (that is to say), John Frederick Kirk, Richard Butler, junior, William Walker, George Hagarty, William Beckett, Henry Bailey, John Wilson, Robert Wilson, Benjamin Katherens, otherwise Catherens, Michael Richard Steele, and Joseph Hassett, were bribed on the day of polling to vote, or in consideration of having voted, for the said Sir Arthur Edward Guinness, baronet.

That in addition to the persons whose names I have so reported, it was proved that from 20 to 30 other freemen, whose names were not disclosed, received bribes at the same house in which those named were bribed, and on the day of polling, in consideration of voting, or of having voted for the said Sir Arthur Edward Guinness, baronet.

That Henry Foster, William Campbell, and William Watkins, were proved to have bribed the said freemen.

That two other freemen, namely, Richard Jesson (now deceased), and George Booth, were bribed to vote for the said Sir Arthur Edward Guinness, baronet, by Benjamin Warren.

That George M'Donnell and William Field, both freemen, were bribed to vote for the said Sir Arthur Edward Guinness, baronet, by William Robinson.

That other freemen, from 10 to 14 in number, who were not sufficiently identified by name, were bribed to vote for the said Sir Arthur Edward Guinness, baronet, by the said William Robinson.

That Henry Cramer, a rated occupier, was bribed to vote for the said Sir Arthur Edward Guinness, baronet, by the said William Robinson.

That Alexander Ferguson, a rated occupier, and John Kelly, a lodger, were bribed by William John Vance to vote for the said Sir Arthur Edward Guinness, baronet.

That Davenport Crosthwaite and William Johnston, were guilty of bribing 41 out-voters by promises to pay to them their travelling expenses on condition of their voting for the said Sir Arthur Edward Guinness, baronet.

That it was proved that freeman voters, to the number of 30, did apply previous to the said election to the agents of Sir Arthur Edward Guinness, baronet, to obtain bribes in consideration of their voting for the said Sir Arthur Edward Guinness, baronet.

That several of the parties so applying, and other freemen voters, numbering over 200, were induced to sign agreements pledging themselves to give their services gratuitously to the said Sir Arthur Edward Guinness at the said election; but such agreements were colourable, and framed with the object of evading the provisions of the statutes against the giving employment to voters at or previous to elections.

That it was further proved that a considerable number of the said freemen voters were, on the day of polling, seeking payment of money from William Campbell, an agent of Sir Arthur Edward Guinness, baronet, in consideration of their having voted for the said Sir Arthur Edward Guinness, baronet; and I do report that I have reason to believe that corrupt practices have extensively prevailed amongst the freemen voters at the said election for the county of the city of Dublin.

And I do further report that, save as I have reported respecting the said freemen, corrupt practices have not been shown to have extensively prevailed, nor is their reason to believe that corrupt practices have extensively prevailed at the election to which the said petition relates.

Given under my hand this 15th day of February 1869.

WILLIAM KEOGH,
Judge of the Court of Common Pleas on the Rota for the Trial of Election Petitions in Ireland.

A copy of the evidence taken at the trial, as furnished to me by the House of Commons' shorthand writer, who was duly sworn before me faithfully to take down the same, pursuant to the statute, accompanies this my certificate.

WILLIAM KEOGH.

App. No. 1.

Dublin City.

DUBLIN CITY ELECTION (No. 2).

To the Right Honourable the Speaker of the House of Commons.

In the Matter of the Petition of the Honourable David Robert Plunket, Petitioner; and Jonathan Pim, Esq., M.P., Respondent.

Sir,

I HAVE the honour to report to you that this petition was withdrawn with my leave upon special application, and in pursuance of the statute in that behalf made and provided; and, in my opinion, the withdrawal of such petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

I have the honour to be, Sir,
Your obedient servant,
WILLIAM KEOGH,
Judge of the Court of Common Pleas on the Rota for the Trial of Election Petitions in Ireland.

Enniskillen.

ENNISKILLEN ELECTION.

COURT OF COMMON PLEAS, IRELAND.

To the Right Honourable the Speaker of the House of Commons.

In the Matter of the Petition of George Kittson, of Enniskillen, and of Thomas Johnston, of Enniskillen, Petitioners; and John Henry Viscount Crichton, Respondent.

THE said Court of Common Pleas, in pursuance of the provisions of the 36th section of said Act, do hereby report to the Right Honourable the Speaker of the House of Commons:—

That the petition in this matter was duly presented to this Court on the 17th day of December, 1868; and that the Petitioners, on the 29th day of January instant, applied to the Court by special application, pursuant to the said statute, for leave to withdraw said petition.

And it appearing to the Court that the notice of the said application required by said Act had been given in the said borough, and no person having applied to be substituted as petitioner, instead of the said George Kittson and Thomas Johnston.

The Court, on the said 29th day of January, made an Order permitting the said Petition to be withdrawn, and the same has been withdrawn accordingly.

And the Court do hereby report to the Right Honourable the Speaker of the House of Commons, that in their opinion the withdrawal of the said petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

Signed on behalf of the Court, this 3rd day of February 1869.

JAMES HENRY MONAHAN,
Chief Justice of the Court of Common Pleas.

Galway Town.

GALWAY TOWN ELECTION.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

THE COUNTY OF THE TOWN OF GALWAY ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

In the Matter of the Petition of Thomas M'Govern, Petitioner; Sir Rowland Blennerhassett, M.P., and Lord Viscount St. Lawrence, M.P., Respondents.

THE matter of this petition (of which I annex a copy) came on to be tried before me, at Galway, on the 25th day of February last, and continued for five succeeding days in the presence of the parties, their counsel, and agents, and having heard the evidence and what was offered on both sides, I did then determine and do accordingly certify—

That the said Sir Rowland Blennerhassett, Bart., and Lord Viscount St. Lawrence, were duly returned at the last election as burgesses to serve in Parliament, as and for the said county of the Town of Galway.

App. No. 1.
Galway Town.

That it was proved before me, that the following freemen, electors of the said borough, proposed to give their votes at said election for Martin O'Flaherty, Esq., one of the candidates, in consideration of receiving a promise of payment of money after the said election: namely, Anthony Finegan, John Marmion, Patrick Doherty, Lawrence Drually, Timothy Toole, Thomas Murphy, John M'Tighe, John Bolger, John Leniham, John Drually, John Walsh, John Dillon, John M'Loughlin, and Martin C. Lynch.

That said proposal was rejected by the said candidate and his agent.

That from 80 to 100 electors of the said borough known to be freemen, but whose names were not disclosed in evidence, had from time to time and shortly previous to the said election, solicited the agent of the said Lord Viscount St. Lawrence, to promise them payment of money in consideration of their giving their votes to the said Lord Viscount St. Lawrence; but such proposals were proved to have been in every instance rejected by the said agent.

And I do further report, that I have not any reason to believe that corrupt practices extensively prevailed at the last election for the said county of the Town of Galway.

Given under my hand, this 11th day of March, 1869.

WILLIAM KEOGH,
Judge of the Court of Common Pleas on the Rota for the Trial of Election Petitions in Ireland.

The copy of the evidence taken at the trial, as furnished to me by the House of Commons shorthand-writer, who was duly sworn before me faithfully to take down the same pursuant to the Statute, accompanies this my certificate.

WILLIAM KEOGH.

Limerick City.

LIMERICK CITY ELECTION.

IN the Matter of an Election Petition for the Borough of Limerick, between Daniel Ryan, Thomas M'Knight, Matthew Brennan, Robert Stacpool, Thomas M'Namara, and Denis Grimes, Petitioners; and George Gavin and Francis William Russell, Respondents.

I do hereby certify to the Right Honourable the Speaker, that a Court for the trial of the above petition was holden before me at Limerick on the 19th, 20th, 21st, 22nd, 23rd, and 25th days of January 1869, and that at the conclusion of the trial on the said 25th day of January, I determined that the said George Gavin and Francis William Russell were both duly elected as Members to serve in Parliament for the county of the City of Limerick, being the borough aforesaid.

And I do hereby further report, that no corrupt practice was proved to have been committed by or with the knowledge and consent of any candidate at such election, and that I have no reason to believe that corrupt practices extensively prevailed at the said election.

A copy of the said petition, and a copy of the evidence given at the trial, as taken by the deputy of the shorthand-writer of the House of Commons, pursuant to the said Act, accompany this my certificate.

Given under my hand, at Dublin, on this 26th day of January 1869.

F. A. FITZGERALD,
A Baron of the Exchequer in Ireland, and one of the Judges for the time being for the Trial of Election Petitions in Ireland, pursuant to the Parliamentary Elections Act, 1868.

Londonderry City.

LONDONDERRY CITY ELECTION.

To the Right Honourable the Speaker of the House of Commons.

IN the matter of an Election Petition, for the City or Borough of Londonderry, between David John McGowan, Merchant, and George David Christie, Commission Agent, Petitioners; and Richard Dowse, Esq., Q.C., Respondent.

I hereby certify to the Right Honourable the Speaker of the House of Commons that the above-mentioned Petition was tried before me, at Londonderry, on the 27th, 28th, 29th, and 30th days of January, and on the 1st, 2nd, 3rd, 4th, 5th, 6th, 8th, and 9th days of February 1869; and that at the conclusion of the said trial I did, on the said 9th day of February, determine that the said Richard Dowse, whose election was complained of by said Petition, was duly elected to serve in the present Parliament for the borough or city of Londonderry.

And, in addition to the foregoing certificate, I hereby further report to the Right Honourable the Speaker, that no corrupt practice has been proved to have been committed by or with the knowledge or consent of any candidate at such election.

And,

App. No. 1.

Londonderry City.

And, further, that on the evidence before me, it did not appear that corrupt practices extensively prevailed at said election, and I have no reason to believe that corrupt practices did extensively prevail at said election.

I beg also to state that a copy of said petition, and a copy of the evidence given at the trial, taken down by the deputies of the shorthand-writer of the House of Commons, accompany this certificate.

Given under my hand this 13th day of February 1869.

JAMES O'BRIEN,
One of the Judges for the time being on the Rota for the Trial of Election Petitions in Ireland, pursuant to "The Parliamentary Elections Act, 1868."

SLIGO BOROUGH ELECTION.

Sligo Borough.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable The Speaker of the House of Commons.

IN the Matter of the Petition of Michael Foley and Joseph Foley, Petitioners; Major Lawrence Edward Knox, M.P., Respondent.

The matter of this petition (of which I annex a copy) came on to be tried before me at Carrick-on-Shannon, on the 19th day of February last, and continued four succeeding days, in presence of the parties, their counsel, and agents; and, having heard the evidence and what was offered on both sides, I did then determine, and do accordingly certify—

That the last election for the said Borough of Sligo was a void election.

That the said Major Lawrence Edward Knox was not duly elected to serve in Parliament for the said Borough of Sligo.

That the said Major Lawrence Edward Knox was, by his agents, guilty of bribery at said election; and I hereby report—

That it has not been proved before me that such bribery was committed by or with the knowledge or consent of the said Major Lawrence Edward Knox; and I do further report—

That John Shiel, a voter, did, immediately before said election, receive money and goods to the amount of 8 *l.* 6 *s.* 2 *d.* from Stephen M. Cherry, acting on behalf of the said Major Lawrence Edward Knox, and did agree to receive a further sum of 31 *l.* 13 *s.* 10 *d.* from the said Stephen M. Cherry, for agreeing to refrain from voting at said election, and was guilty of bribery.

That Patrick Neilan, Patrick Flynn, Martin Mulligan, and Charles Tiernan received money for agreeing to vote for the said Major Lawrence Edward Knox at said election, and were guilty of bribery.

That, in addition to the persons whose names I have so reported, it was proved by the evidence of the said Major Lawrence Edward Knox and other testimony, that divers of the electors of said borough, from 30 to 40 in number, were in the habit of applying for payment of money directly to the said Major Lawrence Edward Knox, and to other persons acting on his behalf, in consideration of their agreeing to vote for, or to refrain from voting against, the said Major Lawrence Edward Knox.

That Thomas Brennan, Stephen M. Cherry, John H. Galbraith, Robert Stokes, William A. Woods, and Joseph L. Woods were proved to have offered and promised various sums of money to divers electors of said borough, in order to induce said electors to vote for the said Major Lawrence Edward Knox, or to refrain from voting for Captain John Flanagan, a candidate at said election, and were guilty of bribery.

And I do report that corrupt practices have extensively prevailed at the said election for the Borough of Sligo; and

That a system of intimidation and violence was organised and carried out for months previous to and during the said last election for the said Borough of Sligo, subversive of freedom of election, and endangering the lives and properties of the electors; and outrages were committed previous to and during the said election which were calculated to deter, and did in fact deter, electors from exercising their franchise at said election; but such intimidation and violence was almost entirely practised by large mobs of persons acting in opposition to the said Major Lawrence Edward Knox; and it was proved before me that such intimidation was continued in said Borough of Sligo from the time of said election down to and during the trial of said Election Petition.

Given under my hand this 2nd of March 1869.

WILLIAM KEOGH,
Judge of the Court of Common Pleas, on the Rota for the Trial of Election Petitions in Ireland.

App. No. 1.
Sligo Borough.

The copy of the evidence taken at the trial, as furnished to me by the House of Commons shorthand-writer, who was duly sworn before me faithfully to take down the same pursuant to the Statute, accompanies this my certificate.

WILLIAM KEOGH.

Sligo County.

SLIGO COUNTY ELECTION.

COURT OF COMMON PLEAS, IRELAND.

To the Right Honourable The Speaker of the House of Commons.

John Hannon, of Monastarden, in the County of Sligo, and James Casey, of Falleens, in said county, Farmers, Petitioners; Sir Robert Gore Booth, Baronet, Respondent.

Henry Griffith of Killery, in the County of Sligo, D.L., J.P., Petitioner; Denis Maurice O'Connor, Esq., Respondent.

The said Court of Common Pleas, in pursuance of the 36th section of said Act, do hereby report to the Right Honourable the Speaker of the House of Commons, that the petitions in these matters were duly presented to this Court on the 29th December 1868.

And that the petitioners in each of the said matters, on the 1st day of February instant, applied to this Court by special application, pursuant to the said Statute, for leave to withdraw their respective petitions.

And it appearing to the Court that the notices of said applications required by said Act had been given in the said county, and no person having applied to be substituted as petitioner in either of said matters instead of the said John Hannon and James Casey, or of the said Henry Griffith;

The Court on the said 1st day of February made orders permitting said petitions to be withdrawn, and same have been withdrawn accordingly.

And the Court do hereby report to the Right Honourable the Speaker of the House of Commons, that in their opinion the withdrawal of said petitions was not the result of any corrupt arrangement, but that the parties not having evidence to sustain either petitions, mutually resolved to withdraw the same.

Signed on behalf of the Court, this 4th day of February 1869.

JAMES HENRY MONAHAN,
Chief Justice of the Court of Common Pleas, Ireland.

Wexford Borough.

WEXFORD BOROUGH ELECTION.

COURT OF COMMON PLEAS, IRELAND.

IN the Matter of the Petition of John Sutton, Thomas Edward Cavanagh, John Wheelock, James Jones, Patrick Brian, Michael Hughes, Petitioners; Richard Joseph Devereux, Respondent.

The petition in this matter was duly presented to this Court; and it appearing to the Court that the case raised by the said petition could be conveniently stated as a special case, such case was so stated, a copy of which is annexed hereto, and the same was duly heard on this day before the Court; and thereupon the Court determined as follows:—

1. That the said Richard Joseph Devereux was not duly elected.
2. That Standish Motte was not duly elected.
3. That the said election was void.

And the Court doth accordingly hereby certify to the Right Honourable the Speaker of the House of Commons—

1. That the said Richard Joseph Devereux was not duly elected.
2. That the said Standish Motte was not duly elected.
3. That the said election for the Borough of Wexford was a void election.

Dated this 12th day of January, 1869.

Signed on behalf of the Court,
JAMES HENRY MONAHAN,
Chief Justice Common Pleas.

Appendix, No. 2.

PAPER put in by the Town Clerk of *Preston*, 3 May 1869.

App. No. 2.

At a Meeting of the Council of the Borough of Preston, held on the 29th day of April 1869, the following subjects were agreed to :—

1. That the municipal franchise and the Parliamentary franchise be similar, and the register of voters for Parliamentary elections be the register of voters at municipal elections. That where the boundary of the Parliamentary and municipal borough is not the same, provision should be made to meet such case. That the voting be *vivâ voce* in both cases, dispensing with voting papers at municipal elections, and that the hours for opening and closing the poll at both elections be the same, except, as after mentioned in clause (b), paragraph 2.

Municipal Elections.

2. "That the Municipal Corporation Act, 1859," be amended, so as to provide that persons nominated as councillors may decline to serve, and thereby prevent a contest. Persons are frequently nominated without their consent.

(a). The town clerk to publish the name of one nominator for each candidate, whose nomination is first received with the number of other nominators. No nominations to be received after six o'clock p.m.

(b). Upon any candidate retiring, and signifying same in writing to returning officer, the poll to be immediately closed, so far as respects such candidate.

3. That provision be made for the apprehension of persons personating, similar to the provisions in the Registration of Voters Act, 6 Vict. c. 18, s. 86.

4. Each candidate to appoint one or more persons at each booth for the purpose of preventing personation. *See* Registration of Voters Act, 6 Vict. c. 18, s. 86.

5. Punishment, 22 Vict. c. 35, s. 9. This section to be amended, as there is no sect. 18 in the Act; section 18, as in the Bill, contained questions to be put to the voters. This section should be restored.

6. That power be given to the returning officer to ask questions of voters, so as to ascertain if person offering to vote is the right person, and to refuse the vote if not satisfied.

7. That the returning officer at both Parliamentary and municipal elections shall, upon the right person coming to vote, receive his vote, and strike off the vote of any person who may have personated him.

That where objection is raised as to the voter being the right person, the returning officer shall have power to require him to produce the last paid rate-paper, which entitles him to be on the list of voters, or other evidence to satisfy the returning officer that he is the right person.

8. That sections 1, 2, 3, and 4, of the 22nd Vict. c. 35, be amended, and the council of every borough have power to divide the borough into such and so many wards as they may think proper, and of apportioning the number of councillors of the borough amongst the wards.

Provided that it shall not be necessary that any councillor go out of office before the time for which he has been elected has expired.

See provision in the "Representation of the People Act, 1867," s. 34, as to council dividing boroughs into polling districts.

App. No. 2.

9. That no agent or person who for remuneration shall, for or on behalf of any candidate, in furtherance of his election, during or within six months before the election, perform any work or service, or provide any accommodation, shall be allowed to vote for the candidate for whom he so acts as agent, performs work, or provides accommodation.

10. That provision be made for effectual local inquiry into illegal practices at municipal elections, and for remedial purposes.

Parliamentary Elections.

11. That public nominations and public declarations of poll be abolished, and other provisions made in lieu thereof.

(signed) *Robert Ascroft,*
Town Clerk.

Appendix, No. 3.

LETTER addressed to the Chairman by Mr. *Alexander Russel*, laid before the Committee, 15 June 1869.

My Lord Marquis, Edinburgh, 14 June 1869.

App. No. 3.

Addressing you in your capacity as Chairman of the Committee on Parliamentary and Municipal Elections, I solicit your attention to the annexed passages in a letter by the Marquis of Lothian, appearing in the "Scotsman" of this date, and a full copy of which is forwarded by same post to your Lordship and other Members of the Committee:—

"Sir,— I have read in the 'Scotsman' the evidence taken before the Parliamentary Committee in reference to your statements about the Roxburghshire election. This evidence (Mr. Otto's), though not in itself untrue, might possibly convey an inaccurate impression as to the facts; and though that impression is in my favour, it would not be candid in me to let it pass without making it a little clearer.

"It is perfectly true that I had many reasons for not letting the farm of Timpandean to Mr. Scott; but I should consider myself acting unfairly if I did not say out at once that among them was the vote he gave at the election, nor do I see why I should not make this admission."

I submit that this statement on the main or only essential point within the scope of the Committee's inquiry, confutes the evidence of Mr. Otto, and corroborates that of Mr. Scott and myself.

I have, &c.

Right Hon. the Marquis of Hartington, M.P. (signed) *Alex. Russel.*

Copy of the Letter from the Marquis of Lothian addressed to the Editor of the "Scotsman," referred to in the above Letter.

"Sir,

"I have read in the 'Scotsman' the evidence taken before the Parliamentary Committee in reference to your statements about the Roxburghshire election. This evidence, though not in itself untrue, might possibly convey an inaccurate impression as to the facts; and though that impression is in my favour, it would not be candid in me to let it pass without making it a little clearer.

"It is perfectly true that I had many reasons for not letting the farm of Timpandean to Mr. Scott; but I should consider myself acting unfairly if I did not say out at once that among them was the vote he gave at the election, nor do I see why I should not make this admission.

"I recollect a statement in a former article in your newspaper, 'that I did not allow my tenants to keep a conscience.' I do not think that expression was a wise or a happy one; but, letting that pass, I do not understand your making use of words so misleading, unless you were totally unaware of the nature of a 19 years' lease. Without entering into a discussion as to what a 19 years' lease means, it is a compact which there is not the smallest obligation, legal or moral, to renew after its conclusion. Either party may refuse to enter upon a new lease for any or no reason. I might illustrate this at some length, but it is, I hope, unnecessary for me to do so. What I was anxious Mr. Otto should say, and what he did say very effectually, was—first, that you had been mistaken in thinking that I had broken faith with Mr. Scott; and, secondly, that I had treated him with discourtesy. But there are one or two other points in your evidence to which I cannot help adverting. If my memory does not fail me, you talked of intimidation in Roxburghshire being entirely on the Conservative side. From what I have heard, my opinion on the matter is just the reverse of yours. The only case of landlord oppression (you do not call it intimidation) which you bring forward is that of Timpandean, and I need say nothing further about that, as your case has entirely broken down. But there has been intimidation of another sort, and that of a kind which did not come from the Conservatives. A tenant-farmer, with a 19 years' lease in his pocket, is not likely to be deterred from going to the poll for fear of his landlord, but any elector is likely to be deterred by knowing that he would have to run the gauntlet of a mob, and being pelted,

App. No. 3.

and hustled, if no worse; and few members of a dissenting congregation like to be addressed in the spicy language which ministers of a certain sort bring to bear on those who vote the wrong way. Now mob violence and clerical denunciations have been very freely used in Roxburghshire, and these, as I think you admitted, are weapons which can only be used by the Liberals. Any pressure that the landlord can exercise is a mere straw in comparison, and yet even that pressure, such as it is, has been used, from what I can hear, on the Liberal side. I have even been told that your client, Mr. Scott, has been put in possession of a farm the late tenant of which was a Conservative, and voted according to his opinions; and his lease coming to an end at that time, Mr. Scott was provided for at his expense. I should not mention this if I thought it would cast a slur upon his new landlord, whom I feel myself honoured in considering as my friend. But this is not the only case I have heard of on the Liberal side: as Timpandean is the only case you bring forward against the Conservatives, it looks as if the balance lay rather against the former party than against the latter. Of course, I can only quote from hearsay evidence, and, like yourself, have only heard the accounts of one side, and therefore I am prepared to believe that I am as much mistaken as you seem to have been. However, you must recollect two things—first, that I have not the capability of deriving information from as many sources as you have; and, secondly, that I have not been called upon to give evidence before a Parliamentary Committee.

"I must allude to one more point in your evidence. It is not only my impression, as it was in the case I have just been mentioning, but a simple fact, for I took especial note of it, that you asserted that what you call female influence has been brought to bear on the Conservative side only. This assertion was to me astounding, and more especially was it so when you selected Kelso as the place where it has been most extensively exercised. I cannot go into this subject at all, because I do not wish to follow your example, when you went as near as you could to mention a lady by name without actually doing so. I can only meet you by a flat contradiction, and by saying that I cannot conceive from whence you get your information. This letter has been detained longer than it should have been, and is consequently perhaps a little late.

"I am, &c.
(signed) "*Lothian.*

"*P.S.*—I have not seen any report of Mr. Scott's examination yesterday; but I am informed that he adheres to his statement in contradiction to that of Mr. Otto, that the latter informed him that the lease was not to be renewed on account of his vote. All I can say is, that my instructions to Mr. Otto were to say nothing whatsoever as to my reasons for my decision. The question is not one of much importance, really, after what I have said to you; but it sheds a considerable light on the comparative correctness of Mr. Scott's and Mr. Otto's memory."

Appendix, No. 4.

PAPER put in by Mr. *F. S. Dutton.* 18 June 1869.

FORM of RETURN of EXPENSES of the GENERAL ELECTION in *South Australia.*

SOUTH AUSTRALIA.

RETURN showing the TOTAL EXPENSES of the GENERAL ELECTION of the PARLIAMENT now assembled; exhibiting the different Sums for each District and Division; the Names of the Returning Officers to whom the same was Paid; and the various Particulars of Demand for which Money was Paid.

	Adelaide. J. Lazar.		Port Adelaide. E. G. Collinson.		West Torrens. W. R. Wigley.		The Sheriff. Expenses not Chargeable to any Particular		Totals.		Totals.
	Legislative Council.	House of Assembly.	Legislative Council.	House of Assembly.	Legislative Council.	House of Assembly.	Division of Legislative Council.	District of House of Assembly.	Legislative Council.	House of Assembly.	Both Houses.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Revision Courts, attendance, Returning Officer							—	—	22 11 6	22 11 6	45 3 –
Revision Courts, magistrates, witnesses, and clerks							—	—	134 18 6	134 18 6	269 17 –
Travelling expenses and mileage							—	—	462 7 9	462 7 9	924 15 6
Electoral roll							115 18 –	—	317 5 7	132 12 5	449 18 –
Lists of claims and objections, and notices							—	—	479 18 1	424 12 8	904 10 9
Claims, receiving and entering							—	—	516 9 –	792 14 –	1,309 3 –
Stationery, printing, and postage							—	—	93 17 1	94 3 1	188 – 2
Advertising							—	—	8 16 3	8 16 3	17 12 6
Total Expenses previous to issue of Writs							115 18 –	—	2,036 3 9	2,072 16 2	4,108 19 11
Copies of electoral roll							—	—	979 11 1	799 14 7	1,779 5 8
Certificates							—	—	295 16 3	367 2 3	662 18 6
Notices of writ, &c.							—	—	14 17 3	15 15 –	30 12 3
Attendance, returning officers							56 6 –	50 – –	103 – 6	142 18 6	245 19 –
Ditto - deputies, poll clerks, doorkeepers, &c.							20 1 –	8 10 –	243 4 3	187 13 3	430 17 6
Travelling expenses and mileage (including police and *Yatala*)							—	—	471 – 7	443 12 1	914 12 8
Polling booths, erection of							—	—	708 3 8	699 9 8	1,407 13 4
Stationery, seals, stamps, printing, and postage							66 17 6	62 12 6	129 12 3	114 18 8	244 10 11
Advertising							15 3 –	—	58 12 6	41 4 6	99 17 –
Ballot boxes, and conveyance of							249 15 9	208 1 9	318 10 –	235 1 6	553 11 6
Cost of scrutiny							168 16 6	—	168 16 6	—	168 16 6
Total Expenses after issue of Writ							576 19 9	329 4 3	3,491 4 10	3,047 10 –	6,538 14 10
Total Expenses:											
Legislative Council							692 17 9	—	5,527 8 7	—	10,647 14 9
House of Assembly							—	329 4 3	—	5,120 6 2	
Grand TOTAL							£. 1,022. 2 s.		£. 10,647. 14 s. 9 d.		—

Appendix, No. 5.

EXAMPLES of the *Procès-Verbal*, Voting Cards, and *Bulletins*, in use at ELECTIONS in *France*, put in by Sir *C. W. Dilke*, Bart., M.P., 25 June 1869.

1.—EXAMPLE OF *PROCÈS-VERBAL*

ÉLECTION DES DÉPUTÉS AU CORPS LÉGISLATIF.

PROCÈS-VERBAL.

DES OPÉRATIONS ÉLECTORALES POUR L'ÉLECTION D'UN DÉPUTÉ.

VILLE DE PARIS.

e ARRONDISSEMENT MUNICIPAL.

Quartier de la Porte Saint Denis.

LIEU DE RÉUNION.

Maison Prieur, Rue des Petites Ecuries, No. 9.

DEPARTEMENT DE LA SEINE.

4e Circonscription Electorale.

10e SECTION.

L'an mil huit cent soixante-neuf, le 23 mai.

En exécution de l'Arrêté de M. le Préfet de la Seine, en date du 28 avril 1869, portant publication du décret impérial par lequel les Électeurs de la 4e Circonscription électorale sont convoqués à l'effet d'élire un Député au Corps Législatif, conformément au décret organique du 2 février 1852;

Nous Nestor Alexandre Treitt désigné conformément à l'art. 13, § 2 du décret réglementaire du 2 février 1852, par M. le Maire du 10e arrondissement, pour présider la 10e Section de ladite Circonscription, nous sommes rendu rue des Petites Ecuries, No. 9, dans de local désigné suivant l'Avis du Maire de l'Arrondissement;

Là, après avoir pris place au bureau comme Président et y avoir déposé:

1° Un Recueil contenant les dispositions de la Constitution, le Sénatus-Consulte du 27 mai 1857, les décrets organique et réglementaire du 2 février 1852, relatifs à l'élection des Députés au Corps Legislatif; le décret du décembre 1867, qui fixe le nombre des Députés à élire dans chaque département, et le Sénatus-Consulte du 17 février 1858, qui exige le serment des candidats à la députation;

2° Le Tableaux des Circonscriptions électorales du département de la Seine;

3° L'Instruction du Ministre de l'Intérieur relative à la tenue des assemblées électorales;

4° Le Tableau, certifié par le Préfet, des Candidats ayant prêté le serment exigé par le Sénatus-Consulte du 17 février 1858;

5° La Liste officielle des Électeurs, close le 31 mars dernier, et le Tableau des rectifications;

6° La Feuille d'appel et d'inscription des votants;

7° L'Avis du Maire contenant désignation des locaux où les Électeurs doivent voter;

Nous avons désigné, suivant l'art. 14, § 2 du décret réglementaire du 2 février 1852, parmi les plus âgés des Électeurs, pour nous assister pendant les opérations électorales, M. Labarre, Alex. Baur, né le 2 juillet 1803, demeurant Boulvart bonne nouvelle, No. 14.

M. Bernier, Charle Fred, né le 20 mars 1813, demeurant Boulvart Denain, 10.

Et parmi les plus jeunes:

M. Labarraque, Edouard, né le 4 mai 1846, demeurant Boulvart de Strasbourg, 35.

M. Collet,

M. Collet, François Emile, né le 20 décembre 1848, demeurant Cour des Petites Ecuries, No. 19, qui ont pris place au bureau, en qualité d'assesseurs.

Le bureau, ainsi constitué, a nommé secrétaire M. R. Verron Raphaël, demeurant rue d'Enghien, No. 16, qui a pris place et ouvert le présent procès-verbal.

Nous avons rappelé que les Électeurs étaient convoqués pour nommer un Député au Corps Législatif.

Nous avons aussi rappelé les conditions d'éligibilité, les incapacités et incompatibilités qui excluent des fonctions de Député, et les dispositions pénales relatives aux opérations électorales.

Nous avons fait placer sur la table, autour de laquelle siégent les membres du bureau, la boîte du scrutin. Après avoir ouvert cette boîte pour constater qu'elle ne renfermait aucun bulletin, nous l'avons fermée à deux serrures; une des clefs est restée entre nos mains et l'autre a été remise au plus âgé des assesseur, M. Labarre.

Nous avons ensuite proclamé l'ouverture du scrutin.

A l'appel de son nom, chaque Électeur nous a présenté sa carte, dont un des assesseurs a déchiré un coin; cet Électeur nous a remis un bulletin fermé, que nous avons déposé dans la boîte du scrutin, après nous être assuré qu'il n'en renfermait pas d'autre; nous avons fait constater le vote par un des assesseurs, lequel a pris soin d'apposer sa signature ou son paraphe en regard du nom du votant, sur la feuille d'appel et d'inscription disposée à cet effet.

La carte a été ensuite rendue à l'Électeur.

A six heures du soir, la boîte du scrutin a été fermée, scellée par nous et déposée sous clef dans une des salles de la Mairie.

Les scellés ont été également apposés à touts les issues de cette salle.

Un poste a été, pendant la nuit, préposé spécialement à la garde du scrutin.

Et le lendemain 24 mai, à huit heures du matin, après avoir constaté que les scellés apposés sur les ouvertures de la salle renfermant le boîte du scrutin étaient intacts, nous avons procédé à leur levée et avons pris place au bureau avec les quatre assesseurs et le secrétaire dénommés d'autre part.

La boîte du scrutin, dont les scellés ont été reconnus intacts, a été placée de nouveau sur la table du bureau; nous avons levé les scellés, et déclaré que les opérations allaient être continuées; nous avons fait l'appel de tous les Électeurs qui n'avaient pas voté la veille.

A quatre heures du soir, une heure après le réappel, nous avons déclaré la clôture définitive du scrutin.

La boîte du scrutin a été ouverte; les bulletins qu'elle contenait ont été comptés par le bureau, qui a reconnu que le nombre de ces bulletins était de* deux mille deux cent quartre.

Le nombre des votants, constaté par les signatures ou paraphes apposés par les assesseurs sur la feuille d'inscription et d'appel des votants, a été reconnu être de* deux mille deux cent quatre.

Le nombre des Électeurs inscrits sur cette feille et appelés à concourir au scrutin, de 2,820.

Les bulletins extraits de la boîte ont été devisés en groupes pour être dépouillés, sur quatre tables séparées, autour desquelles les Électeurs ont pu librement circuler.

La bureau a désigné, parmi les Électeurs présents sachant lire et écrire, des scrutateurs supplémentaires à raison de quatre au moins par chaque table, savoir:

Scrutateurs.

MM. Berthelot, Paulet, Gaulon, Baudin.

MM. Dommartin, Riboulet, Bordas, Armengaud.

MM. Lehmann, Garcin, Drivat, Goddet.

MM. Picart, Castellon, Lepinoy, Legrand.

Bureau n° 1, M. Labarruque, fils, Membre du Bureau.

Bureau n° 2, M. Bomier - - - - id.

Bureau n° 3, M. Collet - - - - - id.

Bureau n° 4, M. Labarre - - - - id.

Nous avons rappelé à ces citoyens que le décret organique du 2 février 1852, art. 35, punit d'un emprisonnement de un à cinq

* Ecrire en toutes lettres.

cinq ans et d'une amende de 500 fr. à 5,000 fr., tout scrutateur qui aura soustrait, ajouté ou altéré des bulletins, ou lu des noms autres que ceux inscrits.

L'un des scrutateurs a lu successivement les bulletins à haute voix et les a passés à un autre scrutateur.

Les deux autres scrutateurs ont simultanément inscrit le nom du candidat et pointé les suffrages sur les feuilles de dépouillement.

Cé dépouillement terminé, les scrutateurs ont écrit en toutes lettres, dans chaque compartiment de cette feuille, le nombre de suffrages obtenus par chaque candidat, et ont apposé leurs signatures à la suite.

Les bulletins contenant plus d'un nom ont été admis comme valables ; mais le premier nom seul a été compté.

Ne sont pas entrés en compte dans le résultat du dépouillement, mais ont été annexés au présent procès-verbal, et classés suivant leur nature dans des dossiers distincts :

1° Les bullettins blancs, au nombre de - - - 10

2° Les bulletins illisibles ou sur lesquels il a été impossible de reconnaître un nom, au nombre de - néant

3° Les bulletins ne contenant pas une désignation suffisante, au nombre de - - - - - - 6

4° Les bulletins sur lesquels les votants se sont fait connaître, au nombre de - - - - - - néant

5° Les bulletins contenant le nom d'unne personne n'ayant pas prêté le serment exigé de tout candidat à la députation, au nombre de - - - - - néant

En tout - - - 16

Le recensement général des feuilles de dépouillement des quatre bureaux supplementaires a donné les résultats constatés dans l'État qui fait suite au présent procès-verbal, et où sont inscrits, par ordre de suffrages, les noms de tous les candidats qui les ont obtenus.

Nous avons ensuite rendu public ce résultat, et les bulletins ont été brûlés en présence des Electeurs, à l'exception de* seize bulletins ci-dessus détaillés, que nous avons paraphés et classés, comme il est dit plus haut, dans des dossiers distincts portant chacun l'indication des motifs qui n'ont pas permis de faire entrer ces bulletins en compte.

Nous avons rédigé le procès-verbal de toutes ces opérations en triple minute.

L'une de ces minutes a été transmise immédiatement à M. le Préfet de la Seine;

La seconde a été déposée au Secrétariat de la Mairie;

La troisième a été conservée par nous, et nous nous sommes chargé, conformément à l'article 33 du décret réglementaire du 2 février 1852, de la porter, avec les bulletins non comptés et toutes les pièces à l'appui, à la 1re Section, où doit être effectué le recensement général des votes de la Circonscription.

Les opérations de l'assemblée électorale étant ainsi terminées, le Secrétaire a donné lecture dudit procès-verbal, que nous et les membres du bureau ont signé en triple minute, et nous avons déclaré la séance levée.

Fait et clos à Paris, le 24 mai 1869.

Le Secrétaire, *Les Assesseurs,* *Le Président,*

Treitt.

* Indiquer en toutes lettres le nombre de bulletins conservés.

App. No. 5.

État Nominatif des Candidats d'apres le Nombre de Suffrages qu'ils ont Obtenus au Scrutin constaté par le Procès-verbal qui précède.

NOM DES CANDIDATS.	PRÉNOMS.	QUALIFICATIONS.	NOMBRE DE SUFFRAGES respectivement obtenus,	
			En Chiffres.	En Toutes Lettres.
Vicard	Ernest	Avocat	1,643	Seize cent quarante-trois.
Deniere	-	Négociant	916	Cinq cent seize.
Lefrançois	-	-	20	Vingt.
Bancel	-	-	3	Trois.
Olivier	Emile	-	3	Trois.
Favre	Jules	-	1	Un.
Raspail	-	-	1	Un.
Guerault	-	-	1	Un.
			2,288	Deux mille deux cent quatre-vingts huit.

Arrêté par nous, soussignés, Président, Assesseurs et Secrétaire de la e Section de la e Circonscription du Département de la Seine, le présent État conforme au procès-verbal qui précède.

Fait à Paris, le 24 mai 1869.

App. No. 5.

2.—EXAMPLES OF VOTING CARDS.

DÉPARTEMENT DE LA SEINE.

3E CIRCONSCRIPTION ELECTORALE,

Comprenant les Quartiers suivants ; Les Halles,—Vivienne,—Le Mail,—Bonne-Nou . . . —Arts-et-Métiers,—Enfants-Rouges,—Saint-Avoye,—Saint-Merri,—Notre-Dame.

ÉLECTION D'UN DÉPUTÉ AU CORPS LÉGISLATIF.

(Décret du 27 Avril 1869.)

Durée du scrutin. { 23 Mai, de 8 heures du matin à 6 heures du soir. / 24 Mai, de 8 heures du matin à 4 heures du soir.

N° de la feuille des Votants.	N° de la Section où l'Électeur sera admis à voter.	Lieu de réunion de la Section.
1,760	13e Section.	Rue Turbigo, 71. ÉCOLE TURGOT

NOM.	*M. Tresca, fils.*
PRÉNOMS.	*Alfred Auguste.*
DATE DE LA NAISSANCE.	12 Juillet 1841.
QUALIFICATION.	*Ingénieur des Arts et Manufacturier.*
DEMEURE.	*St. Martin*, 292.

Certifié à Paris, le 17 Mai 1869.

Le Maire,

GÉRARD.

Signature de l'Électeur. A. TRESCA

L'Électeur apportera son bulletin préparé en dehors de l'assemblée. Ce bulletin sera sur papier blanc, et sans signes extérieurs.

DÉPARTEMENT DE LA SEINE.

CIRCONSCRIPTION ELECTORALE.

Comprenant les Quartiers suivantes: Archives,—Saint Gervaise,—Arsenal,—Sainte-M . . . —La Roquette,—Saint-Ambroise,—Folie-Méricourt.

ÉLECTION D'UN DÉPUTÉ AU CORPS LÉGISLATIF.

(Décret du 27 Avril 1869.)

Durée du scrutin. } 23 Mai, de 8 heures du matin à 6 heures du soir.
24 Mai, de 8 heures du matin à 4 heures du soir.

N^e de la feuille des Votants.	N^o de la Secton où l'Electeur sera admis à voter.	Lieu de réunion de la Section.
1,792	16^e Section	8, Rue Folie-Mericourt.

NOM.	*M. Pihet.*
PRÉNOMS.	*Auguste Eugène Adrien.*
DATE DE LA NAISSANCE.	1821.
QUALIFICATION.	*Mécanicien.*
DEMEURE.	*Rue N^oe Sopincourt*, 8

Certifié à Paris, le 17 Mai 1869.

Le Maire,

[Stamp.] Fred^ic. Léry.

L'Électeur apportera son bulletin préparé en dehors de l'assemblée. Ce bulletin sera sur papier blanc, et sans signes extérieurs.

App. No. 5.

3.—EXAMPLES OF *BULLETINS*.

5e CIRCONSCRIPTION ÉLECTORALE DE LA SEINE

GARNIER-PAGÈS

Député sortant

5e circonscription électorale de la Seine

ELECTIONS DES 6 ET 7 JUIN 1869

F.-V. RASPAIL

CANDIDAT DE LA DÉMOCRATIE RADICALE

On peut voter avec ce bulletin.

Appendix, No. 6.

PAPERS put in by Mr. *Francis Taylor*, 13 July 1869.

FORM OF VOTING PAPER—REPRESENTATION OF MANCHESTER.

ST. MICHAEL'S WARD.

UNITED LIBERAL PARTY.

REPRESENTATION OF MANCHESTER.

TEST BALLOT on *Friday*, 22nd *January* 1869, from 10 a.m. to 9 p.m.; and on *Saturday* 23rd, from 2 p.m. to 9 p.m.

Poll Book No. 460.

Register No. 6,963.

Name, J. Corns.

Vote at Independent Schoolroom, Copper-street, opposite Osborne-street, Rochdale-road.

No. 1 Booth.

This Sheet must be presented at the Poll Booth, where it will be exchanged for a Balloting Paper, on which the Name of Mr. JONES will be Printed in *Green*, and that of Mr. GIBSON in *Red*.

App. No. 6.

FORM of CARD which was used in the MANCHESTER BALLOT.

TEST BALLOT, January 1869.

UNITED LIBERAL PARTY.

REPRESENTATION OF MANCHESTER.

Stamped. UNITED LIBERAL PARTY.

*ERNEST JONES.

†T. MILNER GIBSON.

Strike out the Name of the Candidate for whom you do NOT Vote; then put the Card in the Envelope, and place it in the Ballot Box.

No Card must be taken out of the Ballot Room.

* *Printed Green.* † *Printed Red.*

FORM of CARD which was used in the STAFFORD BALLOT.

STAFFORD TEST BALLOT, 1869.

THE Voter to strike out the names of the Candidates he wishes to retire, so as to leave one or two (not more) for whom he Votes, and then fold the card, and place it in the box.

Mr. EVANS.

Mr. JENKINS.

Mr. ODGER.

Mr. WHITWORTH.

Stamped P B W *on back.*

Appendix, No. 7.

PAPERS put in by Mr. *J. W. Probyn*, 13 July 1869.

FORMS of the VOTING PAPERS in use in *Milan*.

GIUNTA MUNICIPALE

DELLA CITTÀ DI MILANO.

N. della matricola generale — Li 2 Gennajo 1861.

Al Signor

C^a^. N.

A termini dell' articolo 61 della legge elettorale 20 Novembre 1859 il Sindaco di Milano certifica ch' Ella è inscritto, sotto il numero suindicato della matricola generale, sulla lista degli elettori politici del Collegio Sezione di questa Città.

Le si rammenta che giusta l'articolo 79 della citata legge niuno è ammesso ad entrare nel locale delle elezioni se non presenta volta per volta questo certificato d'iscrizione, sotto pena della multa dalle lire cinquant' una alle duecento comminata dall' art. 75.

Il Sindaco, *A. Beretta*.

C. CAGNOLA, Assessore.

SILVA, Segretario.

Stamped.

ELEZIONI POLITICHE.

CITTÀ DI MILANO

ELEZIONI POLITICHE

NOMINA DEL DEPUTATO

[The following was printed at the back of the above.]

Estratto dalla Legge Elettorale 20 *Novembre* 1859.

Art. 81. Ogni elettore, dopo d' aver risposto alla chiamata, riceve dal Presidente un bollettino spiegato, sopra il quale scrive il suo voto: piegato poscia il bollettino, lo consegna a mani del Presidente, che lo pone nell' urna a tale uso destinata.

Se l'elettore, per l' eccezione di cui al n. 3 dell' art. 1 della presente Legge, o per fisica indisposizione notoria o regolarmente dimostrata all'Ufficio, trovasi nell' impossibilità di scrivere il bollettino, sarà ammesso a farlo scrivere da un altro elettore di sua confidenza: il Segretario ne farà risultare nel verbale.

La tavola a cui siede l' elettore scrivendo il voto, è separata da quella dell'Ufficio: quest' ultima, cui siedono il Presidente, gli Scrutatori ed il Segretario, è disposta in modo che gli elettori possono girarvi attorno durante lo squittinio dei suffragi.

0.37.

I N D E X

TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

PARLIAMENTARY AND MUNICIPAL ELECTIONS.

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1869.

352—I.

ANALYSIS OF INDEX.

A LPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Pages at which they will be found.

PAGE

ACCOUNTS (Election Expenses) - - - - 1
Agents - - - - - - - - - 2
Canvassing - - - - - - - - 19
Treating - - - - - - - - 94

ASHTON-UNDER-LYNE:
1. *Municipal Elections* - - - - 3
2. *Parliamentary Election of* 1868 - - 3

BALLOT:
I. *Municipal Elections* - - - - 4
II. *Parliamentary Elections:*
1. State of Public Opinion upon the Question of the Ballot - - 5
2. Effect of the Ballot as regards Bribery - - - - - - 5
3. Effect as regards Canvassing - 6
4. Effect as regards Intimidation and Undue Influence - - - 6
5. Effect as regards Mob Violence - 6
6. Effect as regards Personation - 6
7. Question as to Secrecy being secured - - - - - 7
8. Question as to the Class of Candidates to be returned - - 7
9. Question as to the Effect in a Party sense - - - - - 7
10. Question as to Public Discussion being discouraged - - - 7
11. Question as to Deception and Hypocrisy being fostered - 7
12. Expected Diminution in the Returning Officer's Expenses - 7
13. Objection to the Ballot as not admitting of the Rectification of Mistakes in Polling - - 7
14. Possible Objection where there are two or more Candidates to be returned out of Several - 7
15. Other Evidence generally as to the Merits or Demerits of the Ballot at Parliamentary Elections - - - - - - 8
III. *Suggestions for the detailed Working of the Ballot* - - - - - 8
IV. *Means of preventing the Tasmanian Dodge* - - - - - - - 9
V. *Ball Ballot* - - - - - - 9
VI. *Suggestion for the Adoption of the Ballot in a modified Form* - - - - 9
VII. *Conclusions of Members of the Committee, and Proposals in Draft Report of the Chairman* - - - - - - 9

Cambridge - - - - - - - - 19
Dumfries-shire, 6 - - - - - - - 31
France - - - - - - - - - 36
Greece - - - - - - - - - 38
Ireland, V., VI. - - - - - - - 44

BALLOT—continued. PAGE
Italy - - - - - - - - - 46
Liverpool, 3 - - - - - - - - 56
Manchester - - - - - - - - 58
Maryport - - - - - - - - - 60
Public Opinion - - - - - - - - 74
Scotland, 9 - - - - - - - - 80
South Australia - - - - - - - 83
State of the Poll - - - - - - - 88
Three-cornered Constituencies - - - - 92
Trades' Unions - - - - - - - - 93
Treating - - - - - - - - - 94
United States - - - - - - - - 96
Victoria - - - - - - - - - 98
Wales, 4 - - - - - - - - - 102

BLACKBURN:
1. *Municipal Elections* - - - - 11
2. *Parliamentary Elections* - - - - 12

Ballot, II., 1 - - - - - - - - 5

BRADFORD:
1. *Municipal Elections* - - - - 14
2. *Parliamentary Elections* - - - - 15

Ballot II., 1 - - - - - - - - 5
Bribery - - - - - - - - - 16
Agents - - - - - - - - - 2
Ashton-under-Lyne, 1 - - - - - - 3
Ballot, II., 2, 15 - - - - - - - 5
Blackburn - - - - - - - - 11
Criminal Prosecutions - - - - - - 25
Dublin City and County, 2 - - - - - 29
Expenses of Elections - - - - - - 34
Gravesend - - - - - - - - - 37
Leeds, 1 - - - - - - - - - 50
Limerick City, I., II., 4 - - - - - 51
Liverpool, 1, 2 - - - - - - - - 54
Municipal Elections - - - - - - - 62
Norwich - - - - - - - - - 67
Nottingham, 1, 2, 5 - - - - - - - 67
Penalties - - - - - - - - - 71
Public Prosecutor - - - - - - - 74
Scotland, 1 - - - - - - - - 79
South Australia, 5 - - - - - - - 83
State of the Poll - - - - - - - 88
Victoria, 2 - - - - - - - - - 99
Wales, 3 - - - - - - - - - 102
Windsor - - - - - - - - - 105

BRISTOL:
1. *Municipal Elections* - - - - 17
2. *Parliamentary Elections* - - - - 17

Ballot, II., 1 - - - - - - - - 5

Canvassing - - - - - - - - - 19
Ballot, II., 3 - - - - - - - - 6
South Australia, 3 - - - - - - - 83
Victoria, 3 - - - - - - - - 99

PAGE

Carlisle:
1. *Evidence in Support of a Charge of Undue Influence on the part of Mr. Hodgson at the last Election for the Borough* - - 20
2. *Evidence in Denial of the foregoing Charge* 20

Cheltenham:
1. *Municipal Elections* - - - - 22
2. *Parliamentary Elections* - - - - 22

City of London - - - - - - - - - 23
Conveyance of Voters to the Poll - - - - 24
Parish Voting - - - - - - - - 70
Polling Places - - - - - - - - 73

Dublin City and County:
1. *Municipal Elections for the City* - - 29
2. *Parliamentary Elections for the City and County* - - - - - - - - 29

Dumfries-shire:
1. *Charge of Undue Influence against Conservative Landlords* - - - - - - 30
2. *Denial of the foregoing Charge; Counter-Statement against the Liberals* - - 31
3. *Employment of Agents* - - - - 31
4. *Action of the Clergy* - - - - 31
5. *Treating* - - - - - - - 31
6. *Feeling on the Subject of the Ballot* - - 31

Expenses of Elections - - - - - - - 34
Agents - - - - - - - - - 2
Ballot, II., 12, 15 - - - - - - 12
Conveyance of Voters to the Poll - - - 24
South Australia, 10 - - - - - - - 84
Victoria, 4 - - - - - - - - 99
Westminster - - - - - - - 104

France (Ballot System) - - - - - - 36

Franchise - - - - - - - - - 37

Greece (Ball Ballot) - - - - - - - 38

Ireland:
I. *Influence exercised at the Elections by the Landlords and the Roman Catholic Clergy respectively:*
1. Evidence in Condemnation of the Action of the Landlords, and in Defence of that of the Priests - 42
2. Evidence to a contrary Purport - - - - - - 42

II. *Employment of Troops and Escorts at the Elections:*
1. Evidence in Condemnation of the present System, and of the Arrangements at the General Election - - - - - 43
2. Explanation and Defence of the System, and of the Action of Government and the Magistrates - - - - - - 43
3. Question as to the Mode of Arming the Troops - - - 44

III. *Employment of the Constabulary* - - 44
IV. *Polling Places* - - - - - - 44
V. *Question of the Ballot:*
1. Evidence favourable to the Introduction of the Ballot in Ireland 44
2. Evidence opposed to the Ballot - 45

VI. *Conclusions and Recommendations in Draft Report of Chairman of the Committee* - 45
Dublin City and County - - - - - - 29
Limerick City - - - - - - - - 51

Ireland—continued. PAGE
Monaghan County - - - - - - - 61
Sligo County - - - - - - - - 81

Italy (Ballot System) - - - - - - 46

Leeds:
1. *Municipal Elections* - - - - 50
2. *Parliamentary Elections* - - - - 51

Limerick City:
I. *Municipal Elections* - - - - 51
II. *Parliamentary Elections:*
1. Employment of Mobs, and consequent Disturbances and Riot - 52
2. Influence exercised by the Roman Catholic Clergy - - - - 52
3. Influence exercised by the Landlords 53
4. Question as to the Existence of Bribery and Treating - - - 53
5. Polling Places - - - - 53
6. Particulars in connection with the last Election - - - - 53
7. Question of the Ballot - - - 54
8. Other Details generally - - - 54

Liverpool:
1. *Municipal Elections* - - - - 54
2. *Parliamentary Elections* - - - - 55
3. *Local Feeling on the Question of the Ballot* 56

Manchester (Test Ballot) - - - - - 58

Merionethshire - - - - - - - - 60

Mid-Cheshire - - - - - - - - - 61

Monmouthshire - - - - - - - - 61

Municipal Elections:
1. *Want of better Facilities for the Prevention and Punishment of Corrupt Practices; Suggestions on the Subject* - - - 62
2. *Other Details and Suggestions generally* - 63

Ashton-under-Lyne, 1 - - - - - - 3
Ballot, I. - - - - - - - - - 4
Blackburn, 1. - - - - - - - - 11
Bolton - - - - - - - - - 14
Bradford, 1 - - - - - - - - 14
Bristol, 1 - - - - - - - - - 17
Canvassing - - - - - - - - 19
Cheltenham, 1 - - - - - - - - 22
City of London - - - - - - - 23
Dublin City, &c., 1 - - - - - - - 29
Franchise - - - - - - - - - 37
Kingstown - - - - - - - - - 49
Leeds, 1 - - - - - - - - - 50

Nominations:
1. *Municipal Elections* - - - - 65
2. *Parliamentary Elections* - - - - 65

South Australia, 2 - - - - - - - 83
Victoria, 6 - - - - - - - - 99

Nottingham:
1. *As to the Prevalence of Bribery at the Municipal Elections* - - - - - 67
2. *Local Feeling on the Subject of Bribery* - 68
3. *Constitution of the Town Council* - - 68
4. *Other Details relative to the Municipal Elections* - - - - - - - 68
5. *Parliamentary Elections* - - - - 69

Ballot, I. - - - - - - - - - - 4
Parish Voting (County Elections) - - - - 70

Non-resident Voters - - - - - - 66

PAGE

Personation - - - - - - - - - 72
Ballot, II., 6 - - - - - - - - 6
Bradford, 1 - - - - - - - - 14
Lancashire - - - - - - - - 49
Leeds, 1 - - - - - - - - 50
Nottingham, 4 - - - - - - - 68
South Australia, 7 - - - - - - 84
United States, 2 - - - - - - 96
Victoria, 2 - - - - - - - - 99
Voting Papers - - - - - - - 101

Petitions - - - - - - - - - 72
Municipal Elections, 1 - - - - - 62
South Australia, 13 - - - - - 84
Victoria, 8 - - - - - - - 100

Public-Houses - - - - - - - - 74

Public Prosecutor - - - - - - - - 74
Petitions - - - - - - - - 72

Roxburghshire:
1. *Charge against Lord Lothian in respect of the Non-renewal of a Tenant's Lease through his having voted against his Lordship's Brother at the County Election* 76
2. *Explanatory Statement by Lord Lothian's Agent* - - - - - - 76
3. *Counter-Statement by the Tenant in Question* - - - - - - 77
4. *Letter on the Subject from Lord Lothian* - 77
5. *Influence otherwise exercised at the Election by Lord Lothian* - - - - - 77
6. *Generally as to the Influence exercised on both Sides* - - - - - - - 77

Scotland:
1. *Almost Total Absence of Bribery and Treating at Scotch Elections* - - 79
2. *Undue Influence at County Elections, on the part of Landlords and Others* - - 79
3. *Very little undue Influence in Boroughs* - 79
4. *Influence of Mobs on the Liberal Side* - 80
5. *Clerical Influence* - - - - - 80
6. *Expenses of Elections* - - - - 80
7. *Fictitious Votes* - - - - - 80
8. *Licensing System* - - - - - 80
9. *Demand for the Ballot* - - - - 80

Sligo County:
1. *As to the Employment of Troops and Escorts at the Election in* 1868 - - 81
2. *Action of the Landlords* - - - - 82
3. *Action of the Roman Catholic Clergy, and of the Mobs* - - - - - 82
4. *Action of the Magistrates* - - - 82
5. *Withdrawal of the Petitions against the Return of the Sitting Members* - - 82

South Australia (Ballot):
1. *As to the Introduction of the Ballot in the Colony* - - - - - - 83
2. *Nomination of Candidates* - - - 83
3. *Public Addresses by Candidates, and practice as to Canvassing* - - - - 83
4. *Detailed Arrangements for working the Ballot* - - - - - - 83
5. *Effect as regards Bribery* - - - 83
6. *Effect as regards Intimidation* - - - 84
7. *Checks upon Personation* - - - 84
8. *Effect as regards Rioting* - - - 84
9. *Effect as regards Treating* - - - 84

South Australia (Ballot)—continued. PAGE
10. *Effect as regards Expense* - - - 84
11. *Question as to Secrecy being secured* - 84
12. *Practice as to the Declaration of the Poll* 84
13. *Petitions* - - - - - - - 84
14. *General Satisfaction given by the Ballot in the Colony* - - - - - 85
15. *Municipal Elections* - - - - 85
16. *Other Details generally* - - - - 85

Staleybridge:
1. *Municipal Elections* - - - - 87
2. *Parliamentary Elections* - - - 88

State of the Poll - - - - - - - - 88

Treating - - - - - - - - - 94
Ashton-under-Lyne - - - - - - 3
Blackburn - - - - - - - - 11
Bradford - - - - - - - - - 14
Bristol, 2 - - - - - - - - 17
Dumfries-shire, 5 - - - - - - 31
Leeds, 1 - - - - - - - - - 50
Liverpool, 1, 2 - - - - - - - 54
Municipal Elections - - - - - - 62
Norwich - - - - - - - - - 67
Public-houses - - - - - - - 74
Salford - - - - - - - - - 79
South Australia, 9 - - - - - - 84
Staleybridge, 1 - - - - - - - 87

Undue Influence (Intimidation, &c.) - - - - 95
Ashton-under-Lyne - - - - - - 3
Ballot - - - - - - - - - 4
Blackburn - - - - - - - - 11
Bradford, 2 - - - - - - - - 15
Bristol, 2 - - - - - - - - 7
Cardiganshire - - - - - - - 20
Carlisle - - - - - - - - - 20
Carmarthenshire - - - - - - - 21
Chippenham - - - - - - - - 23
Dublin City and County, 2 - - - - 29
Dumfries-shire - - - - - - - 30
Gravesend - - - - - - - - 37
Ireland - - - - - - - - - 41
Limerick City - - - - - - - 51
Liverpool - - - - - - - - - 54
Merionethshire - - - - - - - 60
Mid-Cheshire - - - - - - - 61
Mobs - - - - - - - - - 61
Monmouthshire - - - - - - - 61
Oldham - - - - - - - - - 69
Parish Voting - - - - - - - 70
Roxburghshire - - - - - - - 76
Scotland, 2 - - - - - - - - 79
Sligo County - - - - - - - 81
South Australia, 6 - - - - - - 84
Staleybridge - - - - - - - 87
Trades' Unions - - - - - - - 93
Victoria (Ballot), 2 - - - - - - 99
Voting Papers - - - - - - - 101
Wales, 1, 2 - - - - - - - - 102
Windsor - - - - - - - - - 105
Working Classes - - - - - - 106

United States (Ballot):
1. *Particulars relative to the System of Election and of Ballot in force in different States in the Union* - - - - 96
2. *Unsatisfactory Results of the System* - - 96

PAGE

Victoria (Ballot:)

1. *Detailed Arrangements for Working the Ballot* - - - - - - - - 98
2. *Effect as regards Corrupt Practices and Rioting; general Satisfaction given* - 99
3. *Diminution of Canvassing since the Ballot* - 99
4. *Expenses of Elections* - - - - 99
5. *Limited Extent to which Secrecy is preserved by the Voters* - - - - 99
6. *System of Written Nominations* - - 99
7. *Declaration of the Poll* - - - - 100
8. *Petitions* - - - - - - 100
9. *Municipal Elections* - - - - 100
10. *Other Details generally* - - - - 100

Voting Papers:

1. *Municipal Elections* - - - - - 101
2. *Parliamentary Elections* - - - - 101

PAGE

Wales:

1. *Landlord Influence at the Elections* - - 102
2. *Influence of the Clergy* - - - - 102
3. *Extent of Bribery and Treating* - - 102
4. *Question of the Ballot* - - - - 102

Brecon - - - - - - - - - 16
Cardiff - - - - - - - - - 19
Cardiganshire - - - - - - - - 20
Merionethshire - - - - - - - - 60
Monmouthshire - - - - - - - - 61
Montgomeryshire - - - - - - - - 62

Warrington - - - - - - - - - 103

Windsor:

1. *Municipal Elections* - - - - - 105
2. *Parliamentary Elections* - - - - 106

I N D E X.

[*N.B.*—In this Index the *Figures* following the Names of the Witnesses refer to the Questions in the Evidence; those following *App.*, to the Pages in the Appendix; and the *Numerals* following *Rep.*, to the Pages in the Report.]

A.

ACCOUNTS (ELECTION EXPENSES:)

Grounds for the conclusion that all accounts, or returns of election expenses, are perfectly illusory, *Darvill* 530. 773–776. 806——Statement favourable to voiding the seat of the candidate returned at any Parliamentary election, if the agent for election expenses, or the candidate himself, makes a fictitious return of the expenses; present regulations on this point considered, *West* 3009–3023. 3032–3035——Approval of the candidate being unseated in the event of his making payments not included in the return, *Forwood*, 3471–3473.

Suggestion whether the seat should not be voided for a wilful keeping back of accounts, *Sir S. Martin* 10665, 10666——Proposed voidance of the seat if the candidate or his agent wilfully kept back any expenses which had been incurred, *Sir C. Blackburn* 11970–11973. 11975. 11993. 12031. 12064–12069. 12073–12075——Belief that at no place where witness presided was it the habit of members to postpone payment of expenses till a following election, *ib.* 12030.

Addyman, Robert. (Analysis of his Evidence.)—Is an alderman of Leeds; has been several years in the town council, 1378, 1379——There are twelve wards in the borough of Leeds, there being sixty-four councillors, including sixteen aldermen, 1380–1382——Total of about 40,000 municipal and Parliamentary voters, 1381——Election of one-third of the council every year, one-half the aldermen being elected every three years, 1383.

Statement relative to the prevalence of bribery and treating, and, to some extent, of intimidation at the Leeds municipal elections, 1384 *et seq.*——Proceedings taken against a member of the council in 1865 for bribery, when he was convicted in a penalty of 40 *s.*, but was not thereby disqualified from sitting in the council, 1391–1394. 1404——Inquiry made in 1866, when much evidence was procured as to the prevalence of bribery and treating; threat of legal proceedings, which prevented this evidence being published or being laid before Parliament, 1395–1402——Very heavy expense incurred (about 200 *l.*) in obtaining the conviction against a member of the council, so that the case was not further followed up through fear of the expense, 1403–1406. 1411–1417. 1450–1465. 1477–1479.

Belief as to the impracticability of an effectual application of the present law for the prevention of bribery and treating, 1407, 1408——Conclusion favourable to the ballot as the most effectual, if not the only, mode of prevention of corrupt practices at both municipal and Parliamentary elections, 1409–1412. 1471, 1472. 1499, 1500. 1527——Expediency of simplifying the proceedings in cases of bribery, and of making the offence punishable by imprisonment instead of by fine, 1410–1417. 1493–1498.

Disorderly conduct at the Leeds elections, in consequence of the treating, so that the closing of the public-houses on the day of the election would be a great improvement, 1418–1421. 1517–1522——Approval, generally, of the system of voting papers at municipal elections, though some instances of tampering arise, 1422, 1423. 1442, 1443. 1500——Frequent instances of vexatious nominations for the town council at Leeds; advantage if the candidate's consent were necessary, 1424–1428. 1466–1468.

Report, 1869—*continued.*

Addyman, Robert. (Analysis of his Evidence)—*continued.*

Strong feeling at Leeds in favour of an effectual check upon corrupt practices; in some of the wards this feeling does not prevail, 1431-1438. 1450-1456——Instances of prosecutions for personation at the Leeds elections, 1439-1441——Impression as to irregularities having occurred at elections of poor law guardians, 1444-1449——Belief that the bribery at the last municipal election had no reference to the Parliamentary election, 1469, 1470. 1491, 1492—— Advantage of a fine being imposed on persons making fictitious nominations, 1475, 1476 —— Extent to which politics enter into the municipal contests at Leeds, 1480-1490——Freedom from bribery at the Parliamentary elections, 1491—— Approval of a power of proceeding before two justices in the case of any town councillor charged with bribery, 1493-1498. 1523-1526. 1528-1530.

Growing opinion, not only of Liberals but of Conservatives, at Leeds, in favour of the ballot, 1502-1504—— Prevalence of feeling in favour of the ballot at municipal as well as Parliamentary elections, 1505-1507——Orderly character, generally, of the Parliamentary nominations at Leeds, 1508-1516——Great variation in the amount paid in bribes at the municipal elections, 1531-1534——Statement favourable to an abolition of the present mode of Parliamentary nomination, 1535-1545——Approval also of abolishing the declaration of the poll, 1536.

Agents. Suggestion that no person be considered an agent, or be allowed to act as a canvasser, unless he is formally recognised in writing by the candidate as an agent, *Darvill* 527, 528. 592-598——Proposed penalty in the case of persons acting as agents, or as canvassers without authority, *ib.* 528. 701-709.

Explanatory statement as to the interpretation given by the judges to the law relative to agency; concurrence between them on this subject, *Sir S. Martin* 10550-10560—— Opinion adverse to any greater immunity of candidates in respect of the acts of agents, *ib.* 10635-10638——Inability of paid agents to vote; question considered as to the expediency of an increased check in this respect, *ib.* 10673. 10703. 10709—— Doubt as to the expediency of prohibiting payments to attorneys as agents, *ib.* 10678-10680.

Information relative to the provisions on the subject of agency, and their operation as involving risks to the candidate; conclusion that the law is, on the whole, substantially just, *Sir J. S. Willes* 10766-10783. 10801, 10802. 10849-10853—— Effect of extensive bribery or intimidation in vitiating the election, even though agency cannot be proved, *ib.* 10775-10783—— Concurrence between the judges in Ireland and England as to the law of agency, *ib.* 10803—— Little, if any, difficulty experienced by witness as to what constitutes agency, *ib.* 10849-10853.

Expediency of an enlarged discretion in the judge as to what constitutes agency in each case, *Sir C. Blackburn* 11978——Necessity of the Member being held liable for the acts of his agent, though this is sometimes attended with hardship, *ib.* 11979, 11980 ——Difficulty in enforcing the provision as to a Member losing his seat, when retaining as agent a person who has been scheduled, *ib.* 12034, 12035——Great evil of the system of paid agents, witness hesitating, however, to recommend their total prohibition, *ib.* 12037-12039.

See also *Canvassing. Treating.*

Armstrong, John Scott. (Analysis of his Evidence.)—Is a builder and contractor at Carlisle; took an active part in canvassing for Mr. Hodgson at the last election, 12442-12444. 12453-12456—— Unwillingness of Mr. Hodgson to canvass the men in the Carlisle works of the London and North Western Railway Company, he being a director of the company; representations by witness and others which induced him to visit the works, 12445-12448. 12502, 12503——Strong disposition evinced by these men to support Mr. Hodgson, who is very popular with them; great majority who eventually voted for him, 12449-12452. 12480-12487. 12500-12505. 12534-12536.

Particulars relative to the canvass of the men in the railway works by Mr. Hodgson, witness, and others; entire absence of any pressure by Mr. Hodgson, 12457 *et seq* —— Circumstance of the men having recently passed a resolution condemnatory of Mr. Irving's evidence before the Committee, 12459. 12468-12471——Denial that witness has dismissed workmen on account of their votes, 12493-12499.

Large majority of the men in the employment of the corporation who voted against Mr. Hodgson, 12506-12513——Large majority also of the men at the gasworks, which belong to the Corporation, who voted for the Liberal candidates, 12510-12515. 12531-12533—— Statement also as to the men at the works of Mr. Ferguson and other Liberal employers having nearly all voted against Mr. Hodgson; inference therefrom, 12516-12530. 12537-12540.

Arnold, Arthur. (Analysis of his Evidence.)—Submits explanations in detail relative to the system of ball ballot in operation at elections in Greece; strongly advocates the system on the ground of secrecy, simplicity, and fairness, 10334 *et seq.*——Very orderly conduct of the elections, whereas the people are peculiarly excitable in political matters, 10373-10376. 10481-10490——Instances of abuse in connection with the elections, owing to the disorganized state of the country; conclusion that this is not consequent upon

Report, 1869—*continued.*

Arnold, Arthur. (Analysis of his Evidence)—*continued.*

upon the ballot system, and that the elections are, generally, pure, 10370–10387. 10450-10461.

Opinion that secrecy cannot be absolutely secured by the ballot under the plan of the voter filling up the voting papers, 10388–10391——Practice as to canvassing in Greece, 10393–10396——Character of the candidates and of the Members elected; absence of objection to the ballot on this score, 10400–10407——Particulars relative to the system of compulsory requisition before any person is qualified as candidate, it being necessary that the requisition be signed by one-twentieth of the constituency: recommended adoption of this plan in England, in lieu of the present nomination system, 10408–10428. 10430–10444.

Very complicated character of a certain machine, invented in this country, for putting the ball ballot in force, 10429——Very small expenses of the candidates in Greece, 10476–10480——Conclusion as to the impracticability of preventing the state of the poll being known whilst the voting is open, there being no means of preventing afternoon bribery on the polling day, 10501–10503——Careful custody of the ballot boxes in Greece, 10504, 10505——Absence of interference on the part of the clergy, 10506-10508——Appointment of the returning officer, or eparch, by the Government, 10509-10511.

Ascroft, Robert. (Analysis of his Evidence.)—Submits certain resolutions to the Committee, which were recently adopted by the town council of Preston, 4936-4938.

ASHTON-UNDER-LYNE:

1. *Municipal Elections.*
2. *Parliamentary Election of* 1868.

1. *Municipal Elections:*

Witness testifies in detail to the prevalence of intimidation, bribery, and treating at the municipal elections for the borough, these practices being confined to the Liberal party, *Hampson* 2506 *et seq.*——Intimidation by means of roughs at the municipal elections, *ib.* 2522, 2523. 2606-2608——Statement as to the undue influence exercised by the corporation and its officers, in the interests of Liberal candidates, *ib.* 2525–2532. 2552. 2609, 2610. 2640-2644——Violence at some of the municipal elections, there being no dread of legal proceedings, *ib.* 2582–2586——Grounds for the conclusion that undue influence was exercised as regards the municipal votes of the workmen at Hurst Mills, *ib.* 2669–2685.

Concurrence in the evidence of Mr. Hampson as to the prevalence of intimidation and undue influence at the local elections, *Wilson* 2761–2764——Undue influence exercised in the town council, on the Liberal side, in reference to the elections, *ib.* 2775-2778.

Statement to the effect that treatment has been practised by Conservatives as well as by Liberals at the Ashton municipal elections, and that Mr. Hampson's evidence on this subject is inaccurate, *Darnton* 3517-3527——Conclusion as to the inaccuracy of the charge, that servants of the corporation had been unduly influenced by the corporation in respect of their votes, *ib.* 3519. 3521. 3575. 3620-3625——Equal number of Conservatives and of Liberals on the town council, the aldermen, however, being all Liberals, *ib.* 3520, 3521.

Prevalence of much violence and drunkenness at the municipal elections in former years; doubt as to bribery having been resorted to, *Darnton* 3521-3525. 3527——Improvement as regards the municipal elections since the passing of Mr. Assheton Cross's Act, though it has not prevented treating or personation, *ib.* 3547-3552——Want of increased facilities for punishing those guilty of corrupt practices, *ib.* 3552 *et seq.*——Equal intensity of party feeling at the municipal elections, as in former years, *ib.* 3576–3581.

2. *Parliamentary Election of* 1868:

Particulars relative to a list of persons discharged from the mills of Mr. Oldham Whittaker and other employers, after the last Parliamentary election, for having voted on the Conservative side, *Hampson* 2532–2534. 2553 *et seq.*——Undue influence exercised over Mr. Hugh Mason's workmen and tenants, relative to their votes, *ib.* 2535, 2536. 2625–2630. 2727-2731——Absence of bribery at the last Parliamentary election, *ib.* 2545. 2631. 2652. 2709–2726——Intimidation and undue influence were the chief evils at the last election, *ib.* 2545. 2551 *et seq.*——Prevalence of treating to some extent, but only on the Liberal side, *ib.* 2546-2550.

Explanation as to the formation and operation of the Victim Fund, for the relief of workmen dismissed by Liberal millowners, *Hampson* 2554–2560. 2645–2649——Witness submits certain declarations made before magistrates at Ashton by different workmen, relative to their dismissal for having voted for Mr. Mellor; detailed explanations hereon, *ib.* 2562 *et seq.* 2739-2743——Exceedingly quiet character of the Parliamentary election, *ib.* 2580, 2581——Stop put to corrupt practices on the Conservative side; explanation hereon,

Report, 1869—*continued.*

ASHTON-UNDER-LYNE—continued.

2. *Parliamentary Election of* 1868—continued.

hereon, as to legal proceedings not having been taken against the other side, *Hampson* 2587-2600.

Statement in explanation of the Victim List at Ashton; extent to which circulated, *Hampson* 2611-2620——Reference to a notice posted by Mr. Oldham Whittaker, as showing that he acknowledged having dismissed men for having voted contrary to his wishes, *ib.* 2620-2624—— Absence of intimidation on the part of workmen against each other, *ib.* 2636-2839——Strong feeling in the town, and more especially among the working classes, in favour of Mr. Mellor; statement hereon, that the extension of the franchise has rendered the Conservative party much the more numerous, *ib.* 2661-2668. 2749-2752.

Injury rather than benefit to the Conservative cause at Ashton, through the lectures of Mr. Murphy, before the Parliamentary election, *Hampson* 2732-2738——Further reference to the intimidation, as regards workmen of Mr. Hugh Mason; question hereon as to certain expenditure by Mr. Mason in the erection of schools and reading rooms, *ib.* 2752-2760.

Statement showing, that in consequence of witness's support of Mr. Mellor at the last Parliamentary election, several members of the Whittaker family, who were supporters of Mr. Milner Gibson, withdrew their custom from him, *Wilson* 2765-2768. 2772-2775—— Practice at Ashton for both Conservative and Liberals to support tradespeople according to their politics, *ib.* 2770, 2771. 2779-2784.

Information relative to the large number of public-houses and beerhouses engaged by the Conservatives at the last Parliamentary election: unduly large sum paid on this side for hire of rooms as compared with the payments on the Liberal side, *Darnton* 3519-3546. 3558-3566. 3603-3610—— Great excitement at the election, *ib.* 3519——Doubt as to the extent to which intimidation by masters may have been practised at the election, *ib.* 3572-3574.

Athlone. Permission given for the withdrawal of the petition against the return of Mr. Ennis, *App.* 580, 581.

Australia (*Ballot*). See *South Australia. Victoria.*

B.

BALLOT:

I. *Municipal Elections.*

II. *Parliamentary Elections:*

1. State of Public Opinion upon the Question of the Ballot.
2. Effect of the Ballot as regards Bribery.
3. Effect as regards Canvassing.
4. Effect as regards Intimidation and Undue Influence.
5. Effect as regards Mob Violence.
6. Effect as regards Personation.
7. Question as to Secrecy being secured.
8. Question as to the Class of Candidates to be returned.
9. Question as to the Effect in a Party Sense.
10. Question as to Public Discussion being discouraged.
11. Question as to Deception and Hypocrisy being fostered.
12. Expected Diminution in the Returning Officer's Expenses.
13. Objection to the Ballot as not admitting of the Rectification of Mistakes in Polling.
14. Possible Objection where there are Two or more Candidates to be returned out of Several.
15. Other Evidence generally as to the Merits or Demerits of the Ballot at Parliamentary Elections.

III. *Suggestions for the Detailed Working of the Ballot.*

IV. *Means of Preventing the Tasmanian Dodge.*

V. *Ball Ballot.*

VI. *Suggestion for the Adoption of the Ballot in a modified form.*

VII. *Conclusions of Members of the Committee, and Proposals in Draft Report of the Chairman.*

I. *Municipal Elections:*

Opinion favourable to the ballot as a means of checking the existing bribery at the municipal elections; it is only of late that witness has arrived at this conclusion, and many others at Nottingham are adopting the same view, *Barber* 42-44; 90-110. 175, 176—— Evidence to the effect that the ballot would operate as some check upon bribery at

BALLOT—continued.

I. *Municipal Elections*—continued.

at municipal elections, as at Nottingham, but that it would not be an effectual check, *Bradshaw* 382–393; 400–407. 420–426.

Several sources of expense at municipal elections which would be checked by the ballot, *Darvill* 526–539 —— Conclusions favourable to the ballot as the most effectual if not the only mode of prevention of corrupt practices at municipal elections, *Addyman* 1409–1412. 1471, 1472. 1499, 1500. 1527; *Gaunt* 1561–1567 ——Prevalence of feeling at Leeds in favour of the ballot at municipal as well as Parliamentary elections, *Addyman* 1505–1507.

Prevalence of much treating at the municipal elections at Liverpool; tendency of the ballot to correct this practice, *Trippier* 1660, 1661 ——Grounds for approving of the ballot at municipal elections, though witness objects to it at Parliamentary elections, *Stanley* 2214 *et seq.*——Advantage of the ballot at the municipal elections as a means of doing away with corrupt practices at the Parliamentary elections, *ib.* 2313–2316 —— Grounds for objecting to the ballot at the Staleybridge municipal elections, though some remedy against intimidation is essential, *Saville* 2469–2476. 2482, 2483——Approval of the ballot at municipal elections, *Ellard* 7195.

II. *Parliamentary Elections:*

1. State of Public Opinion upon the Question of the Ballot:

Statement that witness, though opposed to the ballot all his life, has of late become convinced that it is the only remedy against bribery, corruption, and intimidation, *Darvill* 195. 232. 515, 516. 529. 532–535. 561–563. 635–637. 769–772 ——Belief that large numbers are now favourable to the ballot who formerly were opposed to it, *ib.* 561——Decided advance of the movement at Windsor in favour of secret voting, *ib.* 857 ——Desire expressed for the ballot by some of the most respectable Conservatives at Windsor, *ib.* 858.

Witness has always been an advocate of the ballot as a preventive to bribery and intimidation, *Herbert* 918–922 ——Doubt as to the feeling in the Common Council of the City of London on the question of the ballot, *Woodthorpe* 982. 987–988——Explanation that witness does not profess to represent the views of his workpeople on the question of the ballot, but he has no reason to believe that the operatives in Lancashire are becoming favourable to secret voting, *Bleckly* 1226–1228. 1283–1287.

Growing opinion not only of Liberals but of Conservatives at Leeds in favour of the ballot, *Addyman* 1502–1504; *Grant* 1582–1587——Growing feeling at Liverpool in favour of the ballot; grounds for this statement, *Trippier* 1702, 1703. 1841–1850. 1857. 1892–1894. 1925–1927; *Johnston* 2009–2017. 2062, 2063. 2069, 2070.

Feeling of Conservative working men at Ashton, and of the working men generally, in favour of the ballot, *Hampson* 2661–2668. 2749–2752——Very general feeling at Bradford in favour of the ballot, a large number of Conservatives being amongst its advocates, *Stanley* 2852–2859——Feeling among the Conservatives at Blackburn, as well as Liberals, in favour of the ballot, *Johnston* 3213, 3214. 3227——Opinion that at Blackburn the majority of the inhabitants would gladly hail the adoption of vote by ballot, *ib.* 3227—— Illustration of the objection by working men at Liverpool to the ballot, *Forwood* 3378–3382.

Circumstance of the Conservative members for Staleybridge and Ashton being supporters of the ballot, *Kirk* 3991–3997 ——Recent conversion of witness in favour of the ballot; he still believes it an evil, but a far less evil than the system of open voting, *Latham* 6461–6463 —— Desire among the tenant farmers in Cheshire for the ballot; its advantage as causing them to take a greater interest in politics, *ib.* 6535–6540.

Copies of resolutions recently adopted by the Liverpool Conservative Working Men's Association in favour of open voting, *Forwood* 3378–3382——General feeling of Conservatives at Bristol opposed to secret voting; doubt, moreover, as to the ballot having grown in favour with the Liberals, *Bush* 4423, 4424. 4428–4436 ——Very general disapproval of the ballot by the Conservatives at Bristol, &c., *Thomas* 5761——Adverse feeling in Bolton towards the ballot, many of the Liberal party objecting to it, *Edge* 12964–12966.

2. Effect of the Ballot as regards Bribery:

Modified approval of the ballot as a check upon bribery, *Barber* 109, 110. 175, 176 ——Opinion that under the ballot the uncertainty as to the way in which men would vote would in time prevent candidates from risking their money in bribery, *Darvill* 638–656——Statement of the obstacles to candidates or their agents making corrupt agreements with a body of electors for paying them after the election on condition of success, *ib.* 639–673. 728–742. 781–805. 862.

Belief that under the ballot bribery would extensively prevail, and would take the form of payment after the election upon condition of success, *Bleckly* 1155, 1156. 1244–

Report, 1869—*continued.*

BALLOT—continued.

II. *Parliamentary Elections*—continued.

2. Effect of the Ballot as regards Bribery—*continued.*

1263. 1316. 1319–1337——Decided preference for open voting as compared with the ballot, witness believing that the ballot would act as a premium to bribery, *Davies* 3718–3720.

Conclusion that the ballot is the most effectual and desirable remedy for bribery and other corrupt practices, *Addyman* 1409–1412. 1471, 1472. 1499, 1500. 1527; *Grant* 1561–1567; *West* 2904–2906. 2923–2927. 2946 *et seq.*——Great improbability of candidates running the risk of bribery if there were the ballot, even though the lower class of voters might always continue open to bribery, *West* 2955–2963. 2994–3002——Little inducement for bribery under the ballot, there being no security how the vote should be given, *Torrens* 8967, 8968.

Possibility under the ballot of some candidates being prepared to bribe on the chance of those bribed supporting them, although it would be impossible to discover whether they had done so, *Dalton* 9079–9091——Possibility under the ballot of the payment of voters for staying at home, *Muir* 9915–9920——Improbability of the payment of money corruptly after the time for petitioning has expired, *ib.* 9934–9936.

Possibility under the ballot of voters being induced to refrain from voting, *Sir C. W. Dilke* 10293——Statement that in small boroughs the ballot would not prevent bribery in the form of a conditional payment in the event of the candidate's success; this, in fact, would be the only form of bribery feasible under the ballot, *ib.* 10316–10325.

Great difficulty under the ballot in detecting wholesale bribery, it being quite open to candidates or their friends to make arrangements for paying voters conditional on success, *Fitzgerald* 10874–10883——Belief that under the ballot bribery would still take place; illustration in support of this view, *Edge* 12791–12803. 12887–12890——Efficiency of the ballot as a means of preventing bribery on the polling day, *ib.* 12985.

3. Effect as regards Canvassing:

Advantage anticipated from the ballot in checking domiciliary canvassing, *Darvill* 851–856. 885–887——Tendency of the ballot to diminish systematic canvassing, *Trippier* 1897.

4. Effect as regards Intimidation and Undue Influence:

Full exercise of legitimate and moral influence under the plan of secret voting, *Darvill* 846–850——Frequent instance of coercive and mandatory canvassing which would not occur if the electors had the protection of the ballot, *ib.* 851–856. 873–875——Respects in which undue pressure might still be exercised as regards workpeople, if the ballot were adopted, *Bleckly* 1236–1243——Very little protection required at Leeds as regards undue influence or intimidation; advantage, however, of the ballot on this ground, *Grant* 1588. 1590–1593.

Opinion favourable to the ballot for the protection of working men both at municipal and Parliamentry elections, *Hampson* 2601–2603——Strong approval of the ballot as an effectual remedy for intimidation or undue influence, *Johnston* 3212; *Briggs* 3281, 3282——Beneficial effect anticipated in the discontinuance of undue influence, *Harris* 6350–6352. 6402–6406; *Latham* 6462——Effect of the ballot in preventing all intimidation, *McDermot* 8713.

5. Effect as regards Mob Violence:

Much more quiet conduct of elections if there were the ballot, *Darvill* 535——Conclusion that the ballot would not have had the slightest effect in diminishing the riots in Monmouthshire, *Colborne* 4754–4759——Tendency of the ballot to prevent riots, as the people would have faith in the fairness of the election, *Collen* 5044–5046——Opinion as to the efficacy of the ballot as a means of preventing the system of hired mobs, *Raleigh* 5578, 5579. 5652, 5653.

Approval of the ballot as a means of securing peaceable elections and freedom of voting, *Thomas* 5759——Advantage of the ballot as tending to modify the intimidation by mobs, *Spaight* 6950–6955. 6993, 6994. 7075——Conclusion as to the tendency of the ballot to prevent mob excitement and intimidation, *Ellard* 7270–7272; *Taylor* 12186–12192. 12205–12211——Tendency to quiet and order through the ballot, *Dutton* 9022.

6. Effect as regards Personation:

Belief that the ballot would not lead to any increase of personation, *Darvill* 743–746. 826——Equal means of preventing personation under the ballot as under the present system, *Darvill* 838–840; *Dutton* 9138, 9139.

Increased difficulty in dealing with personation if secret voting be adopted, *Forwood* 3402, 3403.

7. Question

BALLOT—continued.

II. *Parliamentary Elections*—continued.

7. Question as to Secrecy being Secured:

Conclusion as to its being perfectly feasible to keep the voting secret where there is the ballot; practice in foreign countries adverted to hereon, *Darvill* 860, 861. 881–884 —— Grounds for concluding that the ballot would not have the effect of securing secrecy, *Cheese* 5085–5088. 5098. 5135. 5223—— Expected secrecy as to the tenant's vote under the operation of the ballot, *Russel* 5949–5952.

Belief that in the smaller boroughs in England, secrecy would be easily maintained under the ballot, *Torrens* 8759——Conclusion that the ballot would be just as effectual in England as in Victoria, and that it would secure secrecy in small constituencies, *Verdon* 9638–9644. 9800, 9801—— Opinion that under the Australian system, with the addition of one provision, secrecy would be absolutely preserved, *Sir C. W. Dilke* 10216.

Opinion that secrecy cannot be absolutely secured by the ballot under the plan of the voter filling up the voting papers, *Arnold* 10388–10391——Belief that under the ballot it would be easy to ascertain how doubtful votes had polled, and that undue influence and bribery would be resorted to just as much as at present, *Edge* 12887–12890. 12983.

8. Question as to the Class of Candidates to be Returned:

Improved chances of candidates of high character if the ballot be adopted, *Darvill* 564–568—— Belief that under the ballot at Parliamentary elections an objectionable class of candidates would be returned, though the same result would not follow from the ballot at municipal elections, *Stanley* 2216 *et seq.*; 2330 *et seq.*——Tendency of the ballot to increase the influence of candidates of high character, *Dutton* 9136, 9137.

9. Question as to the Effect in a Party Sense:

Belief that the ballot would be no disadvantage to the Conservative party, *Cheese* 5136. 5224, 5225——Advantage of the ballot to the popular party, *Murphy* 5325—— Belief that the ballot would not increase the Liberal ranks, *McDermot* 8713.

10. Question as to Public Discussion being Discouraged:

Doubt as to the effect of the ballot as regards the expression of opinion at public meetings in favour of candidates, *Barber* 144–152. 294, 295—— Examination opposed to the view that secret voting is incompatible with the system of authorised canvassing, and with the practice of public political discussion previous to elections, *Darvill* 599 *et seq.* —— Belief that public discussion would be increased rather than diminished if the ballot were adopted, *ib.* 841–845—— Very free discussion of public questions in Australia notwithstanding the ballot, *ib.* 843–845.

11. Question as to Deception and Hypocrisy being Fostered:

Question considered whether lying and evasion would not be increased by the ballot; there is a great deal of lying at present, but evasion would probably be increased, *Darvill* 607–624. 676–679.

Decided objection to the ballot as necessitating continued falsehood on the part of voters, *Storey* 2838. 2857, 2858——Opinion that under the ballot a man's whole life is a lie, *ib.* 2857.

Question as to the effect of the ballot in leading to deception on the part of tenants; this being, however, a less evil than the abuse under the present system of intimidation, *Harris* 6350–6352. 6402–6406——Expectation that under the ballot deception will not be necessary, and that undue influence will not be brought to bear, *Latham* 6462—— Opinion that the ballot would lead to political hypocrisy, *Norwood* 8147. 8248–8251.

12. Expected Diminution in the Returning Officer's Expenses:

Grounds for the conclusion that the returning officer's expenses would be greatly diminished under the ballot, *Taylor* 12139, 12140. 12200–12204. 12262–12265.

13. Objection to the Ballot as not admitting of the Rectification of Mistakes in Polling:

Particulars in connection with certain mistakes in the recording of votes at the last Parliamentary election for Warrington through neglect of the poll clerk and check clerks; steps subsequently taken for rectifying the matter, such rectification not being feasible if the ballot had been in operation, *Bleckly* 1121. 1123–1146. 1157–1162. 1169–1175. 1278–1282. 1288–1301. 1305–1311. 1317, 1318. 1375–1377.

14. Possible Objection where there are Two or more Candidates to be returned out of several:

Possibility of the ballot being sometimes open to objection in cases where there are two or more candidates to be returned out of several, *Verdon* 9814——Instance at Melbourne of the ill-effect likely to ensue through one constituency returning several members under the ballot, *Fitzgerald* 10913–10925. 10970, 10971. 11031–11036.

 15. Other

Report, 1869—*continued.*

Ballot—continued.

II. *Parliamentary Elections*—continued.

15. Other Evidence generally as to the Merits or Demerits of the Ballot at Parliamentary Elections:

Gradual change of witness's opinions on the subject of the ballot, which he now believes to be the only effectual remedy for intimidation and bribery, *Darvill* 515, 516. 532–535. 561–563. 635–637. 769–772——Conclusion that immorality is at least as great under the system of open voting as under the ballot, *ib.* 827–833——Advantage of the ballot in the state of the poll not being known till the voting is over, *ib.* 828, 829——Belief that by the ballot morality would be restored to Windsor, *ib.* 859.

Witness considers that the franchise should be used openly, and that the ballot would lower the standard of the voter, *Woodthorpe* 983–986——Approval of the ballot as a protection to the voter at municipal elections, though it is not expedient in the case of Parliamentary elections; examination as to the grounds for this distinction, *Stanley* 2214 *et seq.*——Approval of an extension of the ballot to Parliamentary elections if found successful at municipal elections, *ib.* 2400.

Belief that no penal enactment will prevent corrupt practices at municipal and Parliamentary elections so long as there is open voting, the ballot being the only effectual remedy, *Trippier* 1651–1659. 1691, 1692. 1714–1723. 1781. 1833–1835——Examination upon the question of the ballot being no real check under certain circumstances, *ib.* 1715–1723. 1836–1840. 1858–1861.

Approval of the ballot, both for municipal and Parliamentary elections, *Wilson* 2769–2771——Decided approval of the ballot as a means of preventing not only intimidation, but treating and bribery generally, *West* 2904–2906. 2923–2927. 2946 *et seq.*——Increased demand for the ballot at Bradford by reason of the large extension of the franchise, *ib.* 3045, 3046.

Approval of the present mode of voting as preferable to the ballot, *Forwood* 3377——Opinion as to the inadequacy of the ballot as a means of preventing riot or intimidation or treating, *Bush* 4423–4428.

Decided approval of the ballot, though as regards Staleybridge it would not have prevented several of the evils which occurred, *Kirk* 3943–3945. 4007–4021——Belief that the ballot is the only remedy for the evils which prevail at the Chippenham elections, *Collen* 5037–5039——Great value attached to the ballot, though at the same time something should be done to prevent or diminish paid canvassing, *McGowan* 6058–6060. 6072–6074.

Increased necessity for the ballot since the extension of the franchise; expediency of further extension in counties, if accompanied by the ballot, *Latham* 6463–6468. 6523–6525——Decided approval of the ballot in this country, judging from its working in Australia, *Torrens* 8933, 8934. 9006——Witness is convinced that the ballot tends to purity of election, and to quiet and order, *Dutton* 9022——Less expensive contests formerly in South Australia than in England, the ballot, however, being just as desirable in the latter country as a check upon corrupt expenditure, *ib.* 9157–9163.

Greater need of the ballot in this country than in a new country like Victoria, *Verdon* 9810, 9811——Dissent from the view that the ballot has the necessary effect of reducing political feeling, *ib.* 9812——About equal expedition in polling by ballot and by open voting, *Fitzgerald* 10887, 10888.

Conclusion that the ballot would be no protection against the kidnapping of voters, *Edge* 12807. 12809. 12887——Belief that corrupt practices would be resorted to just as much as at present, *ib.* 12887–12890. 12983——Tendency of the ballot to repress public opinion, *ib.* 12983.

III. *Suggestions for the detailed Working of the Ballot:*

Proposals for the detailed carrying out of the system of ballot; objection hereon to the plan adopted in Australia, *Darvill* 691–699——Consideration of the machinery for carrying out secret voting; contemplated employment of an officer at each booth, who should be sworn to secrecy, *West* 2976–2985. 3024–3028——Decided objection to a publication of lists of the voters, *Torrens* 8963–8966——Objection to the voting papers being preserved after the scrutiny, or to there being any means of discovering how a voter has polled, *Dutton* 9092–9102——Suggestion for facilitating voting by blind persons under the ballot system, *ib.* 9351.

Advantage, if the ballot be adopted, of a ballot box in each parish, and of the votes in the county being taken simultaneously, *Rt. Hon. G. W. Hunt* 9503. 9531–9534.

Objection to the voter handing the paper to the returning officer for deposit in the ballot box, *Verdon* 9669–9672. 9742; *Muir* 9887, 9888.

Opinion that it should be an essential part of every ballot system that the voting paper should be handed to the returning officer, or his deputy, *Sir C. M. Dilke* 10162, 10163. 10256. 10263. 10302——Advantage of the plan of the voter scratching out the name of

BALLOT—continued.

III. *Suggestions for the detailed Working of the Ballot*—continued.

of the candidates for whom he does not vote, *Sir C. M. Dilke* 10251——Suggestion, that if the returning officer, in putting the voter into the box, should in any case see how the vote was given, such vote should be lost, *ib.* 10257, 10258. 10302——Advantage of the check afforded by the deputy returning officer putting his initials on each paper, *ib.* 10259. 10302.

Approval of the practice in Victoria, whereby the returning officer assists those who cannot read or write, *Sir C. M. Dilke* 10278, 10279——Varying practice in France, and in the several Australian Colonies, as to the destruction of the voting papers after the election, and as to the conduct of a scrutiny, *ib.* 10282. 10289, 10290——Conclusion, that with proper precautions against personation a scrutiny is unnecessary, and that the papers should at once be destroyed, *ib.* 10282–10290. 10302——Device suggested by witness, and adopted at the Manchester ballot, for enabling blind voters to poll with secrecy, *ib.* 10298——Advantage of conducting the ballot in rooms; economy thereby, *ib.* 10305, 10306.

Non-objection to the Australian plan of allowing a sworn returning officer to assist a voter who could not read or write, *Taylor* 12154, 12155. 12195–12197. 12241–12245——Doubt as to any confusion in respect of different colours on the voting card when there are several candidates, *ib.* 12180–12184. 12193–12198——Precaution necessary in giving a second card to a voter on the plea that he had damaged or spoiled the original card; there was no case of this kind at Manchester, *ib.* 12280–12282.

IV. *Means of preventing the Tasmanian Dodge:*

Ingenious device adopted in Tasmania for a substitution of the voting cards, involving the bribing of successive voters; facility of detection of this trick, *Torrens* 8751, 8752——Conclusion as to the impracticability of a voter bringing with him and using a voting paper previously signed and filled up, with the initials of the returning officer forged upon the back, and taking away the paper received from the returning officer, in order that it may be used by another voter; systematic fraud in this respect practised at an election in Tasmania, *Verdon* 9576. 9650–9673. 9733–9741. 9764–9786.

Opinion as to the impracticability of any systematic personation and fraud on the plan alleged to have been adopted in Tasmania, *Muir* 9884–9886. 9889–9892——Explanatory statement on the subject of the Tasmanian dodge; precautionary means by which it may be prevented, it being in any case very difficult of execution, *Sir C. W. Dilke* 10259–10277——Reference to a certain fraud under the ballot in Tasmania; this, however, being easy of prevention, *Fitzgerald* 10905–10912.

Efficiency of the checks upon personation under the system as tried at Manchester; statement hereon as to the facilities for detecting the Tasmanian dodge, *Taylor* 12130–12134. 12230, 12231. 12246–12250——Adequacy of the checks upon the voter, when in the polling booth, changing the voting card for a spurious one in his pocket, *ib.* 12134. 12169–12272——Description of the Tasmanian dodge; its clumsy character, *ib.* 12134.

V. *Ball Ballot:*

Particulars relative to different plans and machines invented with a view to ballot voting by balls; several advantages of the ball ballot, though witness hesitates to recommend its adoption, *Sir C. W. Dilke* 10213–10215. 10294–10301——Details relative to the operation of the ball ballot in Greece; conclusions strongly in favour of the system, *Arnold* 10334 *et seq.*——Very complicated character of a certain machine invented in this country for putting the ball ballot in force, *ib.* 10429——Evidence opposed to the ball ballot, on the ground that the voter could give more votes than he was entitled to, *Taylor* 12166–12178.

VI. *Suggestion for the Adoption of the Ballot in a Modified Form:*

Proposition that, if secret voting be not completely adopted in England, the votes might be taken by ballot, and made public a week after the election; facility thereby for detecting bribery, whilst intimidation would be diminished, *Fitzgerald* 10899–10904. 10957–10962. 10967, 10968.

VII. *Conclusions of Members of the Committee, and Proposals in Draft Report of the Chairman:*

Resolution proposed by Mr. Bright in strong approval of the ballot, *Rep.* xiv.

Resolutions submitted by Mr. Hunt, by Mr. Howes, and by Sir Frederick Heygate, adverse to the adoption of the ballot, *Rep.* xiv., xv.

Conclusion in Draft Report of Chairman of the Committee favourable to the adoption of the ballot in municipal elections, *Rep.* xvi.

Report, 1869—*continued.*

BALLOT—continued.

VII. *Conclusions of Members of the Committee, &c.*—continued.

Consideration in Draft Report of the Chairman of the Committee of the arguments for and against the ballot, *Rep.* xix, xx.——Conclusion as to the beneficial effect of the ballot in preventing spiritual intimidation by the Roman Catholic clergy, *ib.*

Excellent effect of the ballot in Victoria, South Australia, &c., *Rep.* xix.——Inference as to the equally beneficial operation of the ballot in this country, as in foreign countries, and in the Australian Colonies, *ib.* xix, xx.——Beneficial effect of the ballot as a check upon bribery, *ib.* xix.

Conclusion (in Draft Report) that the ballot possesses many great advantages, that it would put an end to some of the evils of the present electoral system, and that it would tend to mitigate, rather than to aggravate, those which it would not entirely remove, *Rep.* xx.

See also *Cambridge. Dumfriesshire,* 6. *France. Greece. Ireland,* v., vi. *Italy. Liverpool,* 3. *Manchester. Maryport. Public Opinion. Scotland,* 9. *South Australia. State of the Poll. Three-cornered Constituencies. Trades' Unions. Treating. United States. Victoria. Wales,* 4.

Barber, John. (Analysis of his Evidence.)—Is Mayor of Nottingham, 1——Statement of the number of municipal electors in each of the seven wards in the borough of Nottingham, the total number being 14,168; 2–4——Similar limits of the Parliamentary and of the municipal borough, 5——Notoriety of the practice of bribery at the municipal elections in the borough, money being given with little, if any, attempt at concealment, 6. 22, 23. 64–68——Careful inquiry made by witness, the conclusion being that about one-third of the municipal electors require money, and that the payments vary from 2*s.* 6*d.* upwards, accordingly as the contests are more severe, 7–19. 71–74.

Statement relative to the very large expenditure at the municipal elections in 1844; 14, 15. 181–186. 204–212——Considerable prevalence of treating, as well as bribery, at the Nottingham municipal elections, 20, 21. 109——Effect of the existing corruption in deterring respectable persons from standing for the municipal council, 24. 77. 179——Long period for which bribery has been practised at the elections, 25–27——Corrupt character of many small shopkeepers, as well as of the lower class of voters, 28. 173, 174.

Frequent instances of persons being nominated without their consent; great abuse arising from this practice, 29–32. 34–37. 40, 41. 187–189——Doubt as to the bribery at the municipal elections having any reference to the Parliamentary elections, 33. 196–203. 213–220——Suggestion that a small fee be charged for each nomination paper, and that no person should be nominated without his consent, 34, 35— Explanation of the present mode of preparing the voting papers, and of handing them in at the poll; abuse to which liable, 38–40.

Opinion favourable to the ballot, as a means of checking the existing bribery at the municipal elections; it is only of late that witness has arrived at this conclusion, and many others at Nottingham are adopting the same view, 42–44. 90–110. 175, 176——Statement as to the Act of 1859, for enforcing penalties for bribery at municipal elections, having never been enforced at Nottingham; sundry obstacles to putting the Act in force, 45–49. 123–133——Suggestion for some simple and speedy mode of proceeding, in cases of bribery, the expense to be borne by the town, except the proceedings are vexatious, 45. 49——Advantage of applying to municipal elections the law in regard to bribery at Parliamentary elections, 50.

Approval of a prohibition upon expenditure in the conveyance of municipal voters to the poll, 51, 52——Statement showing that personation frequently takes place at the municipal elections, 53–59. 114–122——Very little intimidation at the elections, 60–63——Strong desire for a suppression of bribery, some attempts to stop it having, however, been futile, 64–76——Large ratepayers selected for the town council, the affairs of the town being excellently managed by the council, 77–85. 310, 311——Selection of the most fitting persons for the council, if the elections were conducted purely, 85–87——Gradual spread of the system of taking money for votes, 88, 89.

Doubt as to treating being much resorted to if there were secret voting, 108, 109——Importance attached rather to good laws, than to secret voting, for the prevention of bribery; in the absence of the former, witness falls back upon the latter, 109, 110. 175, 176——Increased interest taken in the elections by the non-corrupt voters, but for the system of bribery, 111–113. 153–165——Statement as to the candidates for the council being elected with direct reference to their political principles, and yet without reference to the Parliamentary elections, 137–143. 177–186. 204–220.

Doubt as to the effect of the ballot, as regards the expression of opinion at public meetings in favour of candidates, 144–152. 294, 295——Indifference of a large number of municipal voters, as regards the elections, if it were not for the payments made, 153–165——Efficient discharge of their duty by those elected, their politics not leading to abuse,

Report, 1869—*continued.*

Barber, John. (Analysis of his Evidence)—*continued.*

abuse, 166–171——Local objects by which candidates are induced to stand, and to give their services in the town council, 167. 172——Obstacle to bribery being suppressed by the united action of those who condemn it, 169. 180–186.

Further statement as to the mode of voting by means of voting papers, and as to there being no proper secrecy, 190–194. 221–231——Witness is only a recent convert to the ballot, and is not prepared to make any detailed suggestions for carrying out secret voting, 195. 232. 291–293——Doubt as to the expediency of the borough justices prosecuting for bribery at the municipal elections, 233–243——Less tendency to bribery at municipal elections if the state of the poll were not published till the close, 244–247——Instances of the same voters having polled for candidates on different lists, 248, 249.

Witness is not aware of any instance of Parliamentary Members for Nottingham subscribing towards the expense of municipal contests, 250——Advantage if there were a public prosecutor for initiating proceedings in cases of bribery at municipal elections, the expense to fall upon the town, 251–257. 269–271. 301–304——Check upon bribery if the election were invalidated in the event of corrupt practices being proved, 251. 328–335.

Understanding between the persons termed "managers," in the different wards, and the municipal voters, as to the money to be paid; question hereon whether there might not be a similar understanding, even though the ballot were adopted, 258–268——Check to fictitious nominations, if the persons nominating had to contribute to the expense, 272–275——Absence of public dissatisfaction on account of the expense of the municipal contests, 276–282.

Respects in which the expense is greater in the case of a Parliamentary election at Nottingham than of a municipal election, 283–288——Objection to placing the expenses of Parliamentary elections upon the towns, as tending to increase the number of candidates, and of contests, 289. 340–345——Small sums for which many of the smaller tradesmen sell their votes at the municipal contests, 305–309——Refusal of many of the working classes to receive bribes, 309. 339——Advantage if canvassing at municipal elections could be stopped, 319–327. 337–339.

Belfast. Facility of voting at Belfast, through the provision of an ample number of polling places, *Norwood* 8128.

Certificate and report, by Mr. Justice Fitzgerald, in the matter of the Belfast election petition, *App.* 581.

Beverley. Extensive bribery at Beverley, both for the municipal and Parliamentary elections, *Sir S. Martin* 10524. 10544–10547. 10639, 10640——The Beverley case was the only one before witness where it was proved that bribery was committed at a municipal election, in order to influence the Parliamentary election, *ib.* 10544. 10639.

Certificate and report, by Mr. Justice Martin, in the matter of the Beverley election petition; extensive exercise of corrupt practices, *App.* 560–563.

Bewdley. Very extensive treating at the Bewdley election, *Sir C. Blackburn* 11958. 12022——Explanation on the subject of witness's decision in the Bewdley case, as to the right of voters to vote who had been scheduled in respect of bribery, *ib.* 12061–12063.

Certificate and report, by Mr. Justice Blackburn, in the matter of the Bewdley election petition, *App.* 593, 564.

Blackburn:

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections:*

Witness testifies to the very extensive prevalence of bribery and treating at the municipal elections at Blackburn, each of the six wards being equally corrupt, *Johnston* 3060–3073. 3145–3153. 3206–3209——Circumstance of legal proceedings having never been taken in respect of any corrupt practices, except personation, *ib.* 3074–3082. 3167–3175——Particulars relative to the intimidation and obstruction resorted to at the municipal elections, all these elections being conducted as political contests, *ib.* 3083 *et seq.*

Statement showing the great excitement in connection with the last municipal election on account of the effect of such election on the Parliamentary contest then near at hand; undue influence on the part of Conservative employers whilst bribery was very extensively practised, *Johnston* 3105–3124. 3135. 3151–3163——Very few unnecessary nominations at the municipal elections, *ib.* 3176, 3177——Importance of an increased number of polling places at the municipal elections, *ib.* 3232–3234. 3241–3245.

Report, 1869—*continued.*

BLACKBURN—continued.

1. *Municipal Elections*—continued.

Great rioting at the last municipal election in witness's ward, *Briggs* 3252–3254. 3283–3294——Extensive prevalence of bribery at the municipal election, *ib.* 3255–3259. 3273–3276.

2. *Parliamentary Elections:*

Evidence as to the intimidation at the Parliamentary election in November 1868, and also at the recent election in March; belief that bribery also was resorted to, *Johnston* 3098–3101. 3125–3150. 3178–3184. 3210, 3211——Very little feeling in the borough against bribery, *ib.* 3103, 3104——Danger of disfranchisement if there had been a searching inquiry after the Parliamentary election, *ib.* 3130, 3131——Large majority of operatives in the constituency, *ib.* 3178, 3179.

Different result of the Parliamentary elections but for the intimidation exercised, *Johnston* 3180–3184——Considerable bribery at some of the former Parliamentary elections, *ib.* 3185–3200——Small earnings of many of those placed on the register by the late Reform Act, *ib.* 3201–3205——Limited amount of treating at the Parliamentary elections, *ib.* 3219——Considerable intimidation at the Parliamentary election in November and at the preceding municipal election, *Briggs* 3260–3270. 3277–3280.

Explanatory statement relative to the undue influence extensively exercised in the Tory mills at Blackburn, chiefly by overlookers and fellow workmen, the election of 1868 inquired into by witness having been voided on this ground, *Sir J. S. Willes* 10718–10731.

Certificate and report by Mr. Justice Willes in the matter of the Blackburn election petition, *App.* 564, 565——Excessive exercise of undue influence, so that the election was voided, *ib.*

See also *Ballot,* II. 1.

Blackburn, Sir Colin, Knight. (Analysis of his Evidence.)—Has tried election petitions at nine places, involving the question of corrupt practices, 11953——Impression as to each place having its own peculiar mode of conducting its election, 11955——Very extensive prevalence of corrupt practices at Bridgewater, so that on witness's report a commission has been issued, 11956, 11957——Reference also to Stafford as a very corrupt place, 11957. 11975. 12011——Desire evinced by Mr. Alderman Pochin, one of the successful candidates at Stafford, to keep clear of all corrupt expenditure; reluctance with which witness unseated him, on the score of intimidation, 11957. 11960 11962. 11975, 11976. 12011.

Prevalence of drinking at most of the places inquired into by witness, though, save at Bewdley and Hereford, treating was not made out to his satisfaction, 11958, 11959——Exceptional instance of intimidation having been proved before witness, though it was alleged in each petition, 11960–11962——Conclusion that instead of treating certain practices as a misdemeanour the loss of the seat would be a much more deterring penalty, 11963–11970——Inoperativeness of the provisions as to indicting for a misdemeanour or suing for penalties, 11963. 11969.

Limited extent to which the conduct of the municipal elections came before witness; exceptional instances of alleged bribery or treating for Parliamentary purposes, 11964. 12059, 12060——Want of further facilities for dealing with corrupt practices at municipal elections, there not being sufficient motive to put the law in force, 11965–11969——Suggestion that in the case of Parliamentary elections the period for petitioning should be extended till after the returns of the expenses have been made and published, 11970. 11975. 11989–11996. 12073–12075——Proposed voidance of the seat if the candidate or his agents willingly kept back any expenses which had been incurred, 11970–11973. 11975. 11993. 12064–12069. 12073–12075.

Objection to the judge being bound by a hard and fast line as to the particular acts which should void a seat, 11977——Expediency of an enlarged discretion in the judge as to what constitutes agency in each case, 11978——Necessity of the Member being held liable for the acts of his agent, though this is sometimes attended with hardship, 11979, 11980——Great difficulty in determining what amount of expenditure was lavish, as a ground for unseating a Member, 11982–11988.

Conclusion as to there being a great deal of corrupt expenditure which is not returned, and which escapes detection; advantage on this score of witness's proposition for extending the time for petitioning, 11989–11997——Possibility of much illegal and lavish expenditure without being able to connect it with agency, 11998, 11999——Way in which there may be illegal and lavish expenditure in treating, &c. without the election being necessarily invalidated; discretion exercised by the judge in such case, 11999, 12000——Belief as to the judges concurring in the view that unless treating is practised with intention to influence, the election is not voided thereby, 12001–12005.

Report, 1869—*continued.*

Blackburn, Sir Colin, Knight. (Analysis of his Evidence)—*continued.*

Impracticability of preventing corrupt expenditure, though by degrees increased difficulties may be put in the way, 12006–12008——Incomplete evidence of corrupt practices which is brought out before the judge; consequent difficulty in reporting upon the character of the place, 12008-12011——Very little importance attached to the declarations of purity by candidates before commencing to canvass, 12012.

Further statement as to the alleged cases which were brought before witness of intimidation by landlords or employers having in almost every instance broken down, 12013. 12019. 12024, 12025——Evidence to the effect that intimidation by a landlord or employer would not vitiate the election unless agency can be proved, 12014–12021. 12025–12027——Failure of the attempt to prove coercion by landlords in the case of the North Norfolk petition, 12019. 12024, 12025——Approval of the necessity of proof of corrupt intention in the matter of treating, 12022, 12023.

Illustration in the Staleybridge case of the difficulty of deciding what constitutes agency, 12027——Very little paid agency at the election for North Norfolk, 12028, 12029——Belief that at no place where witness presided was it the habit of members to postpone payment of expenses till a following election, 12030——Liability to loss of seat under witness's proposal unless the expenditure be duly returned within a certain time, 12031.

Approval of a prohibition upon a member sitting for any other place during the Session, if unseated for intimidation, or treating done by his personal instigation or consent, 12033–12036——Difficulty in enforcing the provision as to a Member losing his seat when retaining as agent a person who has been scheduled, 12034, 12035——Great evil of the system of paid agents, witness hesitating, however, to recommend their total prohibition, 12037–12039——Harshness in making the loss of the seat a necessary result of any act of treating by the candidate, without leaving the question to the judge, whether corrupt intention was involved, 12040–12043. 12070–12072.

Consideration of the practice in regard to the furnishing of particulars as to alleged acts of bribery, &c., where a seat is claimed; objections to which open as affecting the sitting Member, 12044–12052——Explanation on the subject of witness's decision in the Bewdley case, as to the right of voters to vote who had been scheduled in respect of bribery, 12061–12063——Great improvement if public-houses were not used for committee rooms, 12079, 12080——Undue number of committee rooms at borough elections, 12081.

Valuable assistance and relief to witness when trying election petitions, if two laymen were to sit with him as assessors, in order to advise upon questions of fact, 12082, 12083. 12087–12089——Decided objection to a jury, 12084——Advantage of a public prosecutor in election matters, except that there would always be suspicion of bias, 12085, 12086. 12092——Probability of corrupt practices having been somewhat checked through fear of the new tribunal for trying petitions, 12091.

Ordinary legal course followed by witness in deciding as to the incidence of the expense of each petition; that is, that the cost should await the event, 12093——Danger of lavish expenditnre if the public were to be at the expense of petitioning, 12094——Necessity of the management and expense of the petition resting with the public if the matter be treated as a public inquiry, 12095——Difficulty as to a public officer taking up the inquiry upon condition that a *primâ facie* case was first made out by one of the parties, 12096.

Considerable amount of perjury in the cases that came before witness, 12097——Importance of the investigation being local, 12098——Concurrence in the view of Mr. Justice Willes, that in the event of a corrupt payment after a petition had been tried there might be a second petition; difficulty, however, involved in this question, 12099.

Bleckly, Henry. (Analysis of his Evidence.)—Is a magistrate of the county of Lancaster; has been twice mayor of Warrington, and is member of a firm employing about 1,000 hands, 1032–1035——Very satisfactory manner in which the municipal elections have been conducted at Warrington since the Act 22 Vict. 1036 *et seq.*——Considerable amount of bribery and other undue influence at the elections previously to 1859; 1037. 1083——Belief that the improved state of things is due mainly to the moderate penalties under the Act of 1859, and to the probable enforcement of such penalties in cases of bribery, &c., 1040, 1041. 1049–1052. 1060–1066. 1083–1093.

Less political excitement in connection with the municipal elections in recent years; desire to enter the town council irrespectively of politics, 1053–1058. 1067–1072. 1099–1102——Little, if any, treating at the elections, 1059. 1073–1075——Belief that no occasion has arisen for putting the penal clauses of the Act of 1859 in operation, 1060–1066.

Orderly and respectable conduct of the Parliamentary elections at Warrington; failure of the attempt to unseat the present Members, 1077–1080——Severe character of the

Report, 1869—*continued.*

Bleckly. Henry. (Analysis of his Evidence)—*continued.*

penalties under the Municipal Act, 5 & 6 Will. 4, c. 76, as compared with the moderate and easily enforced penalties under the Act 22 Vict., 1080–1085——Importance attached to a public prosecutor in cases of corruption at municipal elections, 1094–1098——General feeling at Warrington as to the satisfactory conduct of the municipal elections during the last ten years, 1109.

Approval of the system of voting papers, 1120–1122——Particulars in connection with certain mistakes in the recording of votes at the last Parliamentary election for Warrington, through neglect of the poll clerk and check clerks; steps subsequently taken for rectifying the matter, such rectification not being feasible if the ballot had been in operation, 1121. 1123–1146. 1157–1162. 1169–1175. 1278–1282. 1288–1301. 1305–1311. 1317, 1318. 1375–1377——Representation as to the expediency of some person of high character presiding at each polling booth at Parliamentary elections; also as to the want of improved machinery for the prevention and correction of mistakes in polling, 1121. 1123–1126. 1137–1146. 1274–1280. 1302. 1308–1311.

Evidence to the effect that witness and employers generally in the manufacturing towns do not exercise any undue influence in regard to the votes of their workpeople, 1147–1151. 1226. 1237–1239——Statement as to the political opinions of operatives being generally well known to each other, and as to there being thus a protection against their voting corruptly under the system of open voting, 1152–1154. 1163–1167. 1229–1235——Belief that, under the ballot, bribery would extensively prevail, and would take the form of payment after the election, upon condition of success, 1155, 1156. 1244–1263. 1316. 1319–1337.

Impression that there was no bribery at the last Parliamentary election for Warrington, 1176. 1370–1374—— Belief that there was no authorised treating at the election, though there might have been some treating by partisans. 1177–1184. 1352–1355. 1370–1374——Noisy and disorderly character of the proceedings at the nomination day at Warrington, 1185–1200——Improvement if the present system of nomination of candidates were abolished, and if, in lieu thereof, the names of candidates were required to be given in and published at the town hall or other public office, 1203–1221——Approval of a public declaration of the poll, though it might be an improvement if it were not made on the hustings, 1222–1225.

Explanation that witness does not profess to represent the views of his workpeople on the question of the ballot, but he has no reason to believe that the operatives in Lancashire are becoming favourable to secret voting, 1226–1228. 1283–1287——Respects in which undue pressure might still be exercised as regards workpeople if the ballot were adopted, 1236–1243——Contemplated consent on the part of candidates when nominated, in order that they may be deemed liable for the expenses of going to the poll, 1264–1273.

Statement relative to the present practice of recording votes at Parliamentary elections, showing the advantage anticipated from the electors polling by means of cards, to be supplied by the candidates, 1288–1302. 1338–1345——Nearly equal number of Parliamentary and of municipal voters at Warrington, 1312. 1356, 1357——Slight extent to which there has been any personation at the Warrington elections, 1313–1315——Fair wages earned by the operative class, only a very small proportion of whom are open to bribes, 1358–1366——With regard to the expense to candidates in sending out a polling card to each voter, they should, on the other hand, be relieved of the expense of polling booths, clerks, &c., 1367–1369.

Bodmin. Certificate and report by Mr. Justice Willes in the matter of the Bodmin Election petition, corrupt practices not having been proved to any extent, *App.* 564.

Bolton. System at the Bolton municipal elections for paying the men for loss of time; belief that there has been no direct bribery, *Edge* 12773–12777——Considerable amount of mob intimidation at the last municipal election; voters were also kidnapped or "bottled," *ib.* 12778, 12779. 12786–12795. 12807, 12808——Very little intimidation at the Parliamentary elections by employers, *ib.* 12780–12785. 12796. 12930–12932.

See also *Ballot,* II.

Borough Elections. Conclusions in draft report of chairman of the committee as to the prevalence of corrupt practices at Parliamentary elections in boroughs, *Rep.* xvi, xvii.

See also headings generally throughout the Index.

BRADFORD:

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections:*

Witness was for several years a member of the Corporation of Bradford, and was defeated at the municipal contests in 1867 and 1868, on account of the part taken by him

Report, 1869—*continued.*

BRADFORD—continued.

1. *Municipal Elections*—continued.

him at the Parliamentary elections, *Storey* 2785–2790. 2801–2803. 2813–2821——Total of about 20,000 municipal voters, and 21,000 Parliamentary voters in Bradford, the Parliamentary and municipal boundaries being coterminous, *ib.* 2792–2794——Absence of political feeling at the municipal elections till November 1867, *ib.* 2795. 2826.

Statement as to the occurrence of treating and other corrupt practices at the municipal elections in 1867 and 1868; belief as to there having been some cases of bribery at the latter election, *Storey* 2796–2824. 2836——Frequency of personation at the municipal contests; inadequate means for its prevention, *ib.* 2809. 2811, 2812. 2836–2840.

Extensive treating at the Bradford municipal elections, *West* 2880. 2918——Frequency of fictitious nominations at the municipal elections, *ib.* 2986–2989——Large number of Irish voters on the municipal and Parliamentary registers, the wages of these being very low, *ib.* 2996. 3047–3050——Importance of increasing the number of polling places at the municipal elections, *ib.* 3009, 3010.

2. *Parliamentary Elections.*

Exercise of much intimidation at the Parliamentary elections; this is confined to the Liberal side, *Storey* 2829, 2830——Undue pressure brought to bear upon the small shopkeepers, *ib.* 2829.

Large meetings held by the Parliamentary candidates, though not necessary as a means of making public their political views, *West* 2872–2878——Prevalence of treating at the Parliamentary elections, *ib.* 2880. 2918——Exercise of intimidation on both sides, small tradesmen and shopkeepers being much subjected to undue influence, *ib.* 2883–2885——Great danger of a riot at the last declaration of the poll, *ib.* 2886.

Limited amount of corrupt practices at the Bradford Parliamentary elections, save in the shape of treating; great corruption on the latter score, *West* 2901–2927——Very pure character of the last Parliamentary election, *ib.* 2992. 2998——Exercise of undue influence at the Parliamentary elections, the small tradesmen being often put under pressure by the working men, *ib.* 2903. 2906. 2929–2931——State of local feeling on the subject of bribery and treating; absence of prosecutions on the subject, *ib.* 2919–2922. 2928. 3003–3007——Considerable amount of treating at low public-houses, used nominally as committee rooms, *ib.* 2938–2945.

Enormous treating at the Bradford election; great number of public-houses employed as committee rooms, *Sir S. Martin* 10518–10520. 10617——Failure of the allegations as to bribery at Bradford, *ib.* 10520.

Certificates and reports by Mr. Justice Martin in the matter of the Bradford election petitions, *App.* 565, 566.

Permission given for the withdrawal of one of the petitions against the return of Mr. Forster, *App.* 566.

See also *Ballot*, II. 1.

Bradshaw, Job. (Analysis of his Evidence.)—Has been several times a town councillor of Nottingham, 346, 347——Considers that the proportion of the municipal voters of the town open to bribery is much larger than one-third, 348–352. 431, 432——Statement relative to the very extensive and heavy bribery at the municipal election of 1844, from 7,000 *l.* to 8,000 *l.* having probably been spent, 353–356——Continuance of bribery in every ward in which, since 1844, there has been a contest, some of the contests being between candidates of the same political party, 357–360. 377–379.

Very few respectable persons who vote, the receipt of money being the only motive which induces the great majority to vote, 360, 361. 380, 381. 429–432——Desire of the respectable people of both political parties to see bribery suppressed, though individuals do not take active proceedings in the matter on account of the unpopularity to be experienced, 362–365. 394. 398, 399. 437——Belief that the municipal bribery arose out of the Parliamentary bribery, 366. 433–436——Origin of the municipal bribery previously to 1844, the object being to obtain political preponderance in the council, 367–370. 446–453.

Suggestion that the punishment of bribery be rendered much more simple and easy, and that for this purpose some non-local person should act as public prosecutor, 371–376. 408–419——Evidence to the effect that the ballot would operate as some check upon bribery at municipal elections at Nottingham, but that it would not be an effectual check, 382–393. 400–407. 420–426——Long period for which money has been largely spent in the Parliamentary elections at Nottingham, 395–397——Want of public reprobation of the existing practice, 420–428.

Better constitution of the town council, but that many respectable persons are deterred

Report, 1869—*continued.*

Bradshaw, Job. (Analysis of his Evidence)—*continued.*

from becoming candidates through the corruption which prevails, 438——Conclusion as to there having been great corruption at the last Parliamentary election as well as at the municipal election just previously, 439-445——Statement that the municipal elections have no effect upon the Parliamentary elections, 442.

Brecon. Circumstance of a political meeting having been held in a Dissenting chapel at Brecon at the borough election of 1868, the minister having been present and addressed the meeting; exceptional character of this proceeding, *Cheese* 5059-5062. 5120-5125 5173-5177. 5208-5217——Instances at the Brecon election of 1866 of spiritual intimidation by a Dissenting minister, *ib.* 5067-5073. 5108, 5109. 5198-5201.

Undue payments made to agents at the Brecon election, *Sir S. Martin* 10672, 10673. 10676——Direct bribe proved in the case of Brecon, so that the seat was at once abandoned, *ib.* 10676. 10697.

Bribery:

Importance attached rather to good laws than to secret voting for prevention of bribery; in the absence of the former, witness falls back upon the latter, *Barber* 109, 110. 175, 176——Obstacle to bribery being suppressed by the united action of those who condemn it, 169. 180-186——Check upon bribery if the election were invalidated in the event of corrupt practices being proved, *ib.* 251. 328-335——Suggestion that the punishment of bribery be rendered more simple and easy, and that for this purpose some non-local person should act as public prosecutor, *Bradshaw* 371-376. 404-419.

The larger the constituency, the less liability to bribe, *Darvill* 511. 837——Liability under the present system to corrupt agreements with gangs of voters, *ib.* 834-836——Expediency of simplifying the proceedings in cases of bribery, and of making the offence punishable by imprisonment instead of by fine, *Addyman* 1410-1417. 1493-1498——Complete failure of all the Acts for the punishment of bribery and corruption, *Trippier*, 1834.

Beneficial effect of the last Bribery Act in restricting corrupt practices at the last Parliamentary election for Liverpool, *Johnson* 2080, 2081. 2163——Advantage if there were a public prosecutor as a check upon bribery at Parliamentary elections, *Stanley* 2214. 2264-3267. 2306-2308. 2317-2320. 2390, 2391; *Johnson* 2082, 2083. 2164, 2165; *Davies* 3735——Belief as to the salutary effect of the Corrupt Practices Act in deterring from bribery, *Forwood* 3474-3476; *Sir S. Martin* 10612-10614; *Sir J. T. Willes* 10819.

Want of some means of dealing with persons who engage in bribery under payment from the opposite side, with a view to evidence for a petition. *Davies* 3720-3725. 3733-3735——Deterrent effect if the judge at an election inquiry had power to commit for trial persons guilty of bribery, *ib.* 3736.

Belief that in only two of the 13 petitions tried by witness did bribery exist to any considerable extent, *Sir S. Martin* 10514, 10515, 10612. 10670, 10671——Statement that a voter found guilty of bribery, upon inquiry by petition, is not thereby disqualified from the franchise; approval of an alteration of the law in this respect, *ib.* 10629-10932——Almost total absence of bribery in the cases tried by witness, *Sir J. S. Willes* 10740.

Conclusions in draft report of chairman of the committee as to the prevalence of bribery at borough elections, but not at county elections, *Rep.* xvi, xvii.

See also *Agents. Ashton under-Lyne*, 1. *Ballot*, II. 2. 15. *Blackburn. Criminal Prosecutions. Dublin City and County*, 2. *Expenses of Elections. Gravesend. Leeds*, 1. *Limerick City*, I. II. 4. *Liverpool*, 1, 2. *Municipal Elections. Norwich. Nottingham*, 1, 2. 5. *Penalties. Public Prosecutor. Scotland*, 1. *South Australia*, 5. *State of the Poll. Victoria*, 2. *Wales*, 3. *Windsor.*

Bridgwater. Very extensive prevalence of corrupt practices at Bridgwater, so that on witness's report a commission has been issued, *Sir C. Blackburn* 11956, 11957.

Certificate and report by Mr. Justice Blackburn, in the matter of the Bridgwater election petition, *App.* 567.

Brigg, James. (Analysis of his Evidence.)—Is a manufacturer at Blackburn; concurs generally in the evidence of Mr. Johnston, 3246-3251. 3271, 3272——Great rioting at the last municipal election in witness's ward, 3252-3254. 3283-3294——Extensive prevalence of bribery at the municipal election, 3255-3259. 3273-3276——Considerable intimidation at the Parliamentary election in November, and at the preceding municipal election, 3260-3270. 3277-3280——Effectual check upon undue influence by the adoption of the ballot, 3281, 3282——Great improvement if the public-houses were closed at election time, 3295, 3296.

Bristol:

Report, 1869—*continued.*

Bristol:

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections:*

Tolerably pure character of the municipal elections, though there is generally some treating on both sides, *Bush* 4162–4176. 4275–4284——Doubt as to the exercise of any undue influence by employers over their workmen, *ib.* 4170–4176.

2. *Parliamentary Elections:*

Belief as to bribery being practised at the Parliamentary elections, in the shape of payments to voters or canvassers, *Bush* 4177–4182——Considerable amount of treating at the Parliamentary elections, *ib.* 4183–4189. 4285, 4286. 4398–4402——Details relative to the organised intimidation by means of paid mobs on the Liberal side at the last Parliamentary election; numerous acts of violence committed by these mobs, so that many Conservative electors were deterred from polling, *ib.* 4190 *et seq.*——Belief that there was ample ground for a petition on the score of intimidation, *ib.* 4211–4213. 4324, 4325.

Explanation as to some mobs having been employed by the Conservatives at the election in April 1868, in order to facilitate the polling; denial that any intimidation was practised at this election, *Bush* 4215, 4216. 4227–4236. 4262——Grounds for believing that the Liberal mobs at the last election were paid, *ib.* 4217–4221. 4237–4253. 4312–4316. 4347, 4348——Examination as to the occurrence of mob violence on the Conservative side as well as the Liberal side at the last election, *ib.* 4256–4262. 4363–4378——Reference to the unseating of Mr. Miles in 1868, bribery and treating having been proved, *ib.* 4263–4269. 4394–4402——Belief as to bribery at Bristol having greatly increased at the time of the election of Sir Morton Peto, *ib.* 4270–4274. 4330–4336.

Statement relative to the action of the police, and of the magistrates respectively, with reference to intimidation and riots on the part of the Liberal mob at the last election, *Bush* 4288 *et seq.*——Inadequacy of the police force for the dispersion of the mobs, *ib.* 4289, 4290. 4405. 4414, 4415——Impression that from 800 to 900 electors did not vote for Mr. Miles who had promised; large majority of the Liberal candidates adverted to hereon, *ib.* 4330. 4410–4413——Doubt as to any special precautions having been taken, though it was known beforehand that the Liberals intended to employ an organised mob, *ib.* 4353–4362. 4387–4393.

Witness voted at Bristol at the last election early in the day, without experiencing any obstruction, *Hill* 4640–4642. 4684, 4685——Strictly pure and legal principles upon which the Liberal party have conducted the elections, *Thomas* 5660, 5661——Refusal of the Conservative party to unite with their opponents in conducting the election in April 1868 on pure principles, *ib.* 5661–5665——Entirely pure conduct of the April 1868 election by the Liberals, *ib.* 5666, 5667. 5672. 5682——Statement as to the inaccuracy of Major Bush's evidence relative to the employment of hired and organised mobs by the Liberals at the November 1868 election, *ib.* 5668–5671. 5673–5678.

Inaccuracy of Major Bush's statement, that at the election in November Conservative voters were intimidated and prevented from polling by the Liberal mob, *Thomas* 5673. 5723–5738. 5752——Circumstance of the sheriff (a Conservative) having decided that there was nothing to prevent the polling, *ib.* 5673. 5747——Explanation as to some Liberal tea meetings, that the expense was paid by the working men, *ib.* 5673. 5708, 5709——Large number of roughs hired by the Conservatives at the last two elections; great abuse in this respect at the April 1868 election, *ib.* 5679, 5680. 5687–5689. 5693, 5694.

Very extensive treating and bribery on the Conservative side at the election in April 1868; *Thomas* 5681–5688. 5748, 5749. 5753——Decided deprecation by the Liberal party of the use of mobs, *ib.* 5689. 5764——Examination upon the question whether an enormous expense was not incurred in respect of Sir Morton Peto's election, *ib.* 5695–5705——Refusal of Sir Morton Peto's committees to pay certain bills for breakfasts, *ib.* 5705–5707.

Further denial that at the November 1868 election any mob was paid by the Liberal committees; examination hereon as to certain demands made for payment, and as to such payment having been made through agents from London, *Thomas* 5710–5722. 5742–5746——Excessive timidity owing to which a Conservative voter named Kearsey did not poll, *ib.* 5730–5737——Belief that the total expenses of the Liberal candidates at the last election were about 4,000*l.* to 5,000*l.*, *ib.* 5739–5746——Illustration of the more riotous character of the Conservative mob than of the Liberal mob at the November 1868 election, *ib.* 5750, 5751.

See also *Ballot*, II. 1.

Report, 1869—*continued.*

Bush, Major Robert. (Analysis of his Evidence.)—Is member of the town council of Bristol: has taken an active part in the Parliamentary elections, 4158–4161. 4222–4225 ——Tolerably pure character of the municipal elections, 4162–4176. 4275–4284—— Doubt as to the exercise of any undue influence by employers over their workmen, 4170–4176——Belief as to bribery being practised at the Parliamentary elections, 4177–4182——Considerable amount of treating at the Parliamentary elections, 4183–4189. 4285, 4286. 4398–4402.

Details relative to the organised intimidation by means of paid mobs on the Liberal side at the last Parliamentary election, 4190 *et seq.*——Explanation as to some mobs having been employed by the Conservatives at the election in April 1868; 4215, 4216. 4227–4236. 4262——Grounds for believing that the Liberal mobs at the last election were paid, 4217–4221. 4237–4253. 4312–4316. 4347, 4348.

Examination as to the occurrence of mob violence on the Conservative side as well as the Liberal side at the last election, 4256–4262. 4363–4378——Reference to the unseating of Mr. Miles in 1868, bribery and treating having been proved, 4263–4269. 4394–4402 ——Belief as to bribery at Bristol having greatly increased at the time of the election of Sir Morton Peto, 4270–4274. 4330–4336.

Statement relative to the action of the police and of the magistrates respectively with reference to the intimidation and riots on the part of the Liberal mobs at the last election, 4288 *et seq.*——Doubt as to any special precautions having been taken though it was known beforehand that the Liberals intended to employ an organised mob, 4353–4362. 4387–4393.

Approval of public-houses being closed at election time, 4403, 4404——Probable advantage if a system of voting papers were adopted, 4407. 4416–4422——Advantage of doing away with the public nomination of candidates, 4407–4409——Opinion as to the inadequacy of the ballot as a means of preventing riot or intimidation, or treating, 4423–4428——General feeling of Conservatives at Bristol opposed to secret voting: doubt, moreover, as to the ballot having grown in favour with the Liberals, 4423, 4424. 4428–4436.

Butler, The Right Rev. George, D.D. (Analysis of his Evidence.)—Is Roman Catholic Bishop of Limerick, 11490—— Inaccuracy of a statement by Mr. Spaight that witness took an active part in the last election for Limerick, and was about the town in his carriage on the polling day, 11491–11498. 11558–11564. 11567–11569. 11701, 11702 ——Support given by the Conservatives to Mr. Pigott, 11499–11502——Very exaggerated character of a statement by Mr. Spaight as to the injury done to his house at the election in 1865; 11503–11505——Employment of rival mobs at the last election, a Tory mob having first appeared on the nomination day, 11506–11510.

Explanation as to the Roman Catholic priests sometimes recommending refreshments to be given to the people; denial that they cause abuse in the way of dispensing drink, 11511–11514——Very active interference of the priests when there is some great principle at stake in the elections, as when the question is between Protestant ascendancy and religious equality: justification of such interference, 11515–11520. 11585 *et seq.*—— ——Action of the priests with a view to the people voting according to their convictions, and independently of bribery or landlord intimidation, 11515, 11516. 11519. 11553—— Great reluctance with which the priests interfere in political contests, 11517.

Decided approval of the ballot in Ireland, as a preventive to bribery and landlord intimidation, 11521–11523. 11555——Probability of the priests withdrawing very much from politics if there were the ballot: they would, however, still urge upon the people the duty of exercising the franchise, 11524. 11552, 11553. 11670. 11710, 11711——Statement to the effect that under the ballot the confessional would not be used by the priest as a means of discovering how a man had voted, nor could the priest divulge any information so obtained, 11523–11534. 11539–11551. 11583, 11584. 11647–11658.

Impression among the people that the military are used by Tory Governments for purposes of coercion at the elections, 11535–11538——Improbability of the people not maintaining secrecy about their votes if they had the ballot, 11554——Misfortune entailed by the franchise as involving possible eviction, 11556——Doubt as to the part taken by the priests in the polling booths at the last Limerick election, 11565, 11566.

Examination relative to some orders for drink given by priests at the Limerick election of 1865; question considered whether this practice should not meet with witness's disapproval, 11570–11582.

Examination in detail upon the question whether the priests are justified in exercising their spiritual influence from the altar and otherwise, with reference to the exercise of the franchise; argument in justification of their course of action in the matter, 11585 *et seq.*; 11696–11700.

Occasional disorder at Limerick elections through the meeting of opposing canvassing parties, 11663–11665——Advantage if the priests could conscientiously abstain from taking part in the turmoil of elections, 11666–11670——Instance of disorder at a municipal

Butler, The Right Rev. George, D.D. (Analysis of his Evidence)—*continued.*

cipal election in Limerick; doubt, however, as to any pressing necessity for the ballot at municipal elections, 11671–11679.

Doubt as to the necessity of escorts in order to enable men to vote with their landlords, if so disposed conscientiously; danger, however, in times of excitement in dispensing with troops, 11685–11689 —— Notoriety of the fact, that when Roman Catholic tenants vote against the Liberal party, it is against their own convictions, 11690–11695 —— Absence of any necessity for troops at the elections if there were the ballot, 11703 —— Opinion as to the sufficiency of the number of polling-places in Limerick, 11704–11709.

Butler, John Sanders. (Analysis of his Evidence.)—Is a town councillor of Nottingham; has for many years taken an active part in the conduct of municipal elections in support of his own political party, 454–458 —— Particulars relative to the extent of bribery at the municipal elections, and the sums paid, there being no contest without bribery, 459–479 —— Form of voting paper filled up by the electors, 463 —— Money has not passed through witness's hands in bribery, but he knows it to have been paid, 466–470.

Suggestion as regards Parliamentary elections, that no voter's name should appear on the register more than once, 480 —— Sundry suggestions for simplifying the conduct of municipal elections, and for lessening the expense, 482 —— Importance of preventing house-to-house canvassing, as being a great cause of bribery, 482, 483 —— Objection to the publication of the state of the poll till the final close of the poll, *ib.* —— Disapproval of the conveyance of voters to the poll, 482 —— Proposal that candidates be nominated by nomination papers, signed by two electors, and by the candidate accepting the nomination, *ib.*

C.

Cambridge. Effect of the system of open voting at Cambridge, in deterring many Liberal voters from polling; removal of this fear if the ballot were adopted, *Torrens* 8758. 8886–8890 —— Universal feeling of the Liberal party at Cambridge, that the ballot would stop bribery there, *ib.* 8891–8893.

Permission given for the withdrawal of the petition against the return of the sitting members, *App.* 567, 568.

Candidates. Belief as to the general desire of the candidates in the cases before witness' not to incur corrupt expenditure, *Sir S. Martin* 10543 —— Very little importance attached to the declarations of purity by candidates before commencing to canvass, *Sir C. Blackburn* 12012.

CANVASSING:

Advantage if canvassing at municipal elections could be stopped, *Barber* 319–327. 337–339 —— Importance of preventing house-to-house canvassing at municipal elections, as being a great cause of bribery, *Butler* 482, 483 —— Expediency of a prohibition of domiciliary or systematic canvassing for candidates, unless carried out by authorised agents, *Darvill* 592–612. 680–684. 701–709 —— Evidence in favour of a prohibition upon canvassing at municipal elections; that is, systematic canvassing, *Trippier* 1662, 1663. 1724–1732. 1804–1814.

Approval of a prohibition upon the employment of paid canvassers at Parliamentary elections, *Johnson* 2093-2109; *Latham* 6488 —— Importance of volunteer canvassing, as at Liverpool; paid canvassing might be prohibited, *Forwood* 3384–3392. 3436 —— Objection to personal canvassing by the candidate, *ib.* 3393 —— Importance of limiting the time allowed for canvassing, a protracted canvass causing much evil, *Davies* 3698. 3706–3711. 3804–3806. 3822.

Advantage if paid agents for canvassing could be done away with, *Cheese* 5138 —— Approval of personal canvassing being made illegal, as conducing to the employment of mobs, *Murphy* 5431–5334 —— Importance of abolishing canvassing in connection with the adoption of the ballot, *Harris* 6340. 6349-6354 —— Suggestion that paid canvassing might with advantage be forbidden, *Sir S. Martin* 10589–10591.

Resolution submitted by Mr. Fawcett for prohibiting the employment of paid canvassers and agents, *Rep.* xiv.

Conclusion in Draft Report of Chairman of the Committee unfavourable to the prohibition of paid canvassing, *Rep.* xix.

See also *Ballot,* II. 3. *South Australia,* 3. *Victoria,* 3.

Cardiff. Witness voted at the last election at Cardiff, but was seriously assaulted by the Liberal mob; submits particulars relative to the violence of the mob, and states that many of the supporters of the Conservative candidate were intimidated from voting, *Hill* 4643 *et seq.* —— On the nomination day there was an organised mob in the Liberal interest, *ib.* 4654. 4678 —— Active part taken in the Cardiff election by the Dissenting ministers, and by the clergy generally, *ib.* 4668–4672. 4679–4683. 4692–4694 —— Valuable services of the Cardiff police and the Bute police at the election, *ib.* 4688–4690.

Report, 1869—*continued.*

Cardiganshire. Nonconformist character of the great bulk of the people in Cardiganshire the great majority of them being Liberals, whilst the landlords are nearly all Conservatives, *Harris* 6209–6212——Great coercion used at the last election for the county by the landowners, such coercion having been shown in various forms, *ib.* 6213–6222——Belief in the county that about 200 notices to quit have been served on tenants on account of their votes at the last election, *ib.* 6223.

Inquiry made by witness in various parts of the county on the subject of notices to quit: particular cases submitted to the Committee, in proof of the undue influence exercised by the landlords, *Harris* 6224 *et seq.*; 6297–6299. 6390–6400——Active influence exercised by the Dissenting clergy in the elections, and also by the clergy of the Established Church; witness is not aware of any undue influence by the former, *ib.* 6284–6296——Belief that the Conservative candidate, instead of polling 1,918 votes, would not have polled more than 500 if the ballot had been in operation, *ib.* 6341–6345.

CARLISLE:

1. *Evidence in support of a Charge of Undue Influence on the part of Mr. Hodgson at the last Election for the Borough.*
2. *Evidence in Denial of the foregoing Charge.*

1. *Evidence in support of a Charge of Undue Influence on the part Mr. Hodgson at the last Election for the Borough:*

Total of 154 electors in the employment of the London and North Western Railway Company at Carlisle at the time of the last election, 136 of whom plumped for Mr. Hodgson, *Irving* 9361, 9362——Evidence in support of the conclusion that these men were for the most part Liberals, and were unduly influenced to vote for Mr. Hodgson, who is a director of the railway company, *ib.* 9363 *et seq.*——Particulars relative to a mechanics' institute in connection with the workshops of the company, in which, out of seven daily papers taken in, six are Liberal; inference as to the great majority of the voters in the works being Liberals, *ib.* 9365-9368. 9414-9417. 9462-9472——Statement relative to the canvass of the men in the works, and the improper course taken by Mr. Hodgson, as being a director, in personally canvassing them on one occasion, *ib.* 9369 *et seq.*

Discharge after the election of five men out of six who had voted against Mr. Hodgson, whilst a very small proportion was discharged who voted for him; details on this subject, *Irving* 9372. 9383-9387. 9395. 9418–9430. 9435-9461. 9473-9481——Statement issued by some of the men in the works on the nomination day denying certain allegations in respect of their canvass by Mr. Hodgson; inaccuracy of this statement, *ib.* 9378. 9380. 9485-9489——Circumstance of the directors of the North Western Company having declined any interference on the question of their workmen's votes; comment on their proceedings on the subject, *ib.* 9388-9394. 9431–9438——Satisfactory notice issued by the North Eastern Company, prohibiting canvassing at their Carlisle works; result as regards the voting of the men, *ib.* 9391. 9396–9398. 9439–9453——Circumstance of three men at the London and North Western Company's works having preferred disfranchisement rather than bear coercion, *ib.* 9398.

Witness submits that the great majority of the men in the railway works are Liberals, and that it was owing to undue influence so many of them voted for Mr. Hodgson at the borough election, *Corbett* 1269 *et seq.*——In canvassing the men in the works Mr. Hodgson did not use any undue influence; but his presence there as a director had a powerful influence over the men, *ib.* 12643-12646. 12717-12722——Particular instances of men who felt coerced into voting for Mr. Hodgson, *ib.* 12647-12658. 12708–12716——Accuracy of Mr. Irving's statement relative to the political character of the papers taken in at the reading room at the works, *ib.* 12663, 12664.

Grounds for the conclusion that the meeting recently called at the works was far from unanimous in protesting against Mr. Irving's evidence; undue pressure put upon witness to attend this meeting, though he declined to do so, *Corbett* 12665–12692. 12702, 12703. 12754–12763——Information relative to the dismissal of men after the election; conclusion as to the great prejudice shown towards those who voted against Mr. Hodgson, *ib.* 12693–12707. 12735–12743——Statement relative to the constitution of the reading-room or institute attached to the works; large proportion of the voters in the works who are not now members, though formerly membership was compulsory, *ib.* 12725–12734——Belief that the majority of the workmen concur in the evidence given by Mr. Irving, *ib.* 12750–12753.

Explanation that many of the voters in the railway works are not now members of the institute, though formerly all the men were necessarily members, *Irving* 12764–12766——Recent date at which a second Conservative paper has been taken in at the institute, *ib.* 12766.

2. *Evidence in Denial of the foregoing Charge:*

Witness explains the circumstances under which, very reluctantly, he canvassed the voters in the Company's works; positively denies that he used any pressure or undue influence

Report, 1869—*continued.*

CARLISLE—continued.

2. *Evidence in Denial of the foregoing Charge*—continued.

influence in respect of their votes, *Hodgson* 12377 *et seq.*——Denial also that the reduction of the establishment at Carlisle, involving the dismissal of several voters who polled against witness, had any connection with the election, *ib.* 12391–12411. 12421–12441——Statement as to the great majority of the men in the Maryport and Carlisle Railway, at Carlisle, having voted for Sir Wilford Lawson, who is a director of the railway, *ib.* 12419, 12420——Large majority of the men in the employment of the corporation who voted against witness, *ib.* 12420——Admission as to the very large majority of the North Western Company's men having voted for witness, *ib.* 12421, 12422.

Unwillingness of Mr. Hodgson to canvass the men in the Carlisle works of the London and North Western Railway Company, he being a director of the Company; representations by witness and others which induced him to visit the works, *Armstrong* 12445–12448. 12502, 12503——Strong disposition evinced by these men to support Mr. Hodgson, who is very popular with them; great majority who eventually voted for him, *ib.* 12449-12452. 12480–12487. 12500–12505. 12534–12536——Particulars relative to the canvass of the men in the railway works by Mr. Hodgson, witness, and others; entire absence of any pressure by Mr. Hodgson, *ib.* 12457 *et seq.*

Circumstance of the men having recently passed a resolution condemnatory of Mr. Irving's evidence before the Committee, *Armstrong* 12459. 12468–12471——Denial that witness has dismissed workmen on account of their votes, *ib.* 12493–12499——Large majority of the men in the employment of the corporation who voted against Mr. Hodgson, *ib.* 12506–12513——Large majority also of the men at the gasworks, which belong to the corporation, who voted for the Liberal candidates, *ib.* 12510–12515. 12531–12533——Statement also as to the men at the works of Mr. Ferguson and other Liberal employers having nearly all voted against Mr. Hodgson; inference therefrom, *ib.* 12516–12530. 12537–12540.

Particulars relative to a meeting of the Company's men at the Carilsle works recently called, in order to repudiate the evidence of Mr. Irving, that they had been unduly influenced by Mr. Hodgson in respect of their votes at the borough election; unanimity at this meeting, which was attended by about 140 men, *Richardson* 12542–12555. 12559. 12572–12575. 12593–12600. 12608–12637——Frequent statement by Mr. Hodgson when canvassing the men, that they were at liberty to vote as they pleased, *ib.* 12556–12558——Belief as to the political opinion of the Company's men being fairly represented by the large majority which voted for Mr. Hodgson, *ib.* 12560–12571. 12601–12604——Statement as to witness's wages having been stopped for a week when canvassing for Mr. Hodgson, *ib.* 12576–12582. 12558–12592——Reference to the temporary dismissal of a workman named M'Grath as not having been owing to his vote at the election, *ib.* 12605–12607. 12616–12619.

Carlow. Permission given for the withdrawal of the petition against the return for Carlow borough, *App.* 581.

Carmarthenshire. Strong and undue influence exercised by the dissenting clergy at the Carmarthenshire election in November 1868, *Cheese* 5064–5066. 5075, 5076. 5167.

Evidence as to the extensive pressure put upon the tenants at the Carmarthenshire election; illustrations of this and of the issue of notices to quit in respect of their votes, *Harris* 6300-6319. 6357–6359.

Carrickfergus. Certificate and report by Mr. Justice O'Brien in the matter of the Carrickfergus election petition, *App.* 582.

Cashel. Certificate and report by Mr. Justice Fitzgerald in the matter of the petition against the return for Cashel, *App.* 582, 583.

Cheese, Arthur. (Analysis of his Evidence.)—Solicitor at Hay, in Breconshire; was professionally engaged at the Brecon elections of 1866 and 1868, and the Carmarthenshire election of 1868; 5047–5052——Great interest taken by the clergy of all denominations in Wales in the last election, 5053–5057. 5170——Peculiarly active interest taken by the dissenting clergy in the Liberal cause; sundry instances of this, 5058 *et seq.*——Instances of dissenting ministers having acted as paid agents, 5058. 5065——Circumstance of a political meeting having been held in a dissenting chapel at Brecon at the borough election of 1868, the minister having been present and addressed the meeting; exceptional character of this proceeding, 5059–5062. 5120–5125. 5173–5177. 5208–5217.

Strong and undue influence exercised by the dissenting clergy at the Carmarthenshire election in November 1868; 5064–5066. 5075, 5076. 5167——Instances at the Brecon election of 1866 of spiritual intimidation by a dissenting minister, 5067–5073. 5108, 5109. 5198–5201——Evidence to the effect that Conservative landlords do not exercise undue influence over their tenants as to their votes, though they generally express a wish on the subject, 5077–5081. 5126–5134. 5164–5169.

Report, 1869—*continued.*

Cheese, Arthur. (Analysis of his Evidence)—*continued.*

Statement that, though having considerable experience as a land agent, witness knows no instance of tenants having suffered through voting in opposition to their landlords, 5077, 5078. 5168, 5169——Absence of any general feeling among farmers in Wales in favour of the ballot, 5082–5084——Grounds for concluding that the ballot would not have the effect of securing secrecy, 5085–5088. 5098. 5135. 5223——Advantage if the voters could poll parochially, instead of travelling a distance for the purpose, 5089–5101.

Statement as to the influence exercised by the dissenting clergy in Wales at the elections being of a much stronger and more objectionable character than that exercised by the clergy or the Church of England, 5102 *et seq.* 5196, 5197——Explanation that the Wesleyans do not interfere in the same way as other dissenting bodies, 5120——Objection to the influence exercised by the dissenting clergy as compared with the landlord's influence, 5121–5134. 5137–5143. 5163–5169. 5206, 5207. 5218–5221——Belief that the ballot would be no disadvantage to the Conservative party, 5136. 5224, 5225——Doubt as to the ballot having any effect in Wales in preventing spiritual influence, 5137. 5202–5205. 5222. 5226, 5227——Advantage if paid agents for canvassing could be done away with, 5138.

Exceptional instances of bribery at elections in Wales; few petitions consequent on the last general election, 5144–5156. 5161, 5162. 5189–5191——Statement as to the extent to which bribery has prevailed at the Brecon elections, 5145–5154. 5162. 5192–5195——Pure character of the late election for the Radnor contributory boroughs, 5155, 5156——Considerable amount of treating or drinking riots sometimes resulting, 5157–5160——Peculiar susceptibility of the Welsh in respect of religious influences, 5178. 5188——Safeguards required in connection with a system of voting papers; doubt as to much abuse arising, 5179–5187.

CHELTENHAM:

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections:*

Local government of Cheltenham by a body of Improvement Commissioners, thirty in number, ten of whom go out every year, *Davies* 3627–3635——Statement of the qualifications of electors of the Commissioners, owners as well as occupiers or ratepayers being entitled to vote, and there being a plurality of votes under Sturges Bourne's Act, *ib.* 3637–3644——Varying composition of the constituency in the different wards, *ib.* 3645–3648.

Very strong political feeling in the election of Commissioners, whilst much corruption has prevailed in the shape of treating, personation, and intimidation, *Davies* 3649 *et seq.*——Considerable corruption of late years in the shape of beer tickets, *ib.* 3651–3654——There is always mob intimidation in the east and north wards, *ib.* 3657, 3658. 3684——System of voting at the municipal elections by means of voting papers, *ib.* 3660, 3661.

Deterioration in the class of persons who become candidates for Commissionerships, persons of good position being unwilling to canvass for the office, *Davies* 3662–3667——Strong political bias shown in the appointment of officers by the Commissioners and by the officers themselves; instances of this, *ib.* 3668–3674——Excessive political corruption at the elections in 1866 and 1867 in the shape of beer tickets, *ib.* 3675–3678——Connection between the election of Commissioners in the autumn of 1868 and the following parliamentary election, *ib.* 3679–3681.

Operation of Sturges Bourne's Act at Cheltenham adverted to, *Davies* 3729–3732——Statement as regards certain misconduct on the part of officers at municipal elections at Cheltenham, that this could not have been discovered under the ballot, *ib.* 3737–3745——Blame attaching to the candidates at municipal elections and to their agents, *ib.* 3770–3790——Limited extent to which pressure is put upon tradesmen by their customers in respect of their votes, *ib.* 3791–3797.

2. *Parliamentary Elections:*

Less terrorism at the Parliamentary elections than at the municipal elections, *Davies* 3684, 3685. 3715. 3799, 3800——Doubt as to treating, bribery, or intimidation being practised to much extent at the Parliamentary elections, *ib.* 3713–3716——Comparatively few of the higher class at Cheltenham who interest themselves in the Parliamentary elections, *ib.* 3823——Very full polling of the constituency at the last election, *ib.* 3824–3826.

Certificate and report by Mr. Justice Martin in the matter of the Cheltenham election petition, *App.* 568.

See also *Franchise.*

Cheshire. See *Mid-Cheshire.*

Report, 1869—*continued.*

Chippenham. Serious disturbances at the Chippenham election of 1865, about fifty houses of Conservative voters having been attacked and damaged, *Colborne* 4699-4705—— Several claims made for compensation for damages, not a single claim having been allowed, *ib.* 4706-4708—— Punishment of several of the rioters after the election, *ib.* 4709, 4710 —— Denial as regards the riots at Chippenham, that these were owing to any intimidation having been resorted to in the case of Sir John Neeld's tenants, *ib.* 4767-4775.

Statement as regards the Liberal riots at the Chippenham election of 1865, that these were provoked by the conduct of the opposite side, *Collen* 4940-4952. 5030-5035—— Strong feeling at Chippenham as to intimidation and undue influence being exercised by certain Conservative landlords in respect of their tenants' votes; good grounds for this feeling, *ib.* 4949 *et seq.*——Particulars in connection with several notices to quit which were served upon tenants who had voted on the Liberal side, *ib.* 4958 *et seq.* 5040-5042.

Explanation as to there having been no petition against the return for Chippenham in 1868, notwithstanding the undue influence exercised on the Conservative side, *Collen* 5025-5029. 5036—— Belief that there was treating at the election of 1868; *ib.* 5027—— —— Very little bribery at the elections, *ib.* 5039.

City of London. Explanation of the system of nomination and election of aldermen, common councillors, and ward officers for the City, there being special Acts for the purpose, *Woodthorpe* 948-959. 989 *et seq.*——System of an open poll for the municipal elections, no voting papers being used, *ib.* 957-959——Conclusion as to the pure manner in which the municipal elections are conducted, neither bribery nor intimidation having ever come to witness's knowledge, *ib.* 960, 961. 971-977. 1018, 1019.

Statement of the qualification of liverymen of the City of London, and of their number; restriction as to number in the case only of some of the companies, *Woodthorpe* 962-966, 1024-1031——Total of about 12,000 municipal electors, and of about 18,000 Parliamentary electors, *ib.* 967, 968—— Respectable position occupied by most of the municipal voters, *ib.* 969, 970—— Witness is not cognizant of any bribery at the Parliamentary elections for the City, *ib.* 978-981.

Statement of the qualifications for the office of common councilman, *Woodthorpe* 994-996——Right of the liverymen to vote at the Parliamentary elections, if they be freemen of the City, *ib.* 997-1000—— Further explanation of the mode of election of the Lord Mayor, aldermen, common councilmen, &c.; the system works exceedingly well, *ib.* 1001-1016——Belief that politics do not enter into the municipal elections, *ib.* 1020-1023.

Clergy. Suggested enactment that the clergy of all persuasions be prohibited from interfering in elections as agents, *Norwood* 8130-8132.

See also *Brecon. Cardiganshire. Carmarthenshire. Dublin City and County,* 2. *Dumfriesshire,* 4. *Ireland. Limerick City. Merionethshire. Scotland,* 5. *Sligo County,* 3. *Wales.*

Colborne, Thomas. (Analysis of his Evidence.)—Solicitor at Newport in Monmouthshire; formerly resided at Chippenham, 4695-4698—— Serious disturbances at the Chippenham election of 1865, about 50 houses of Conservative voters having been attacked and damaged, 4699-4705——Several claims made for compensation for damage, not a single claim having been allowed, 4706-4708——Punishment of several of the rioters after the election, 4709, 4710——Very excited and disturbed state of Newport at the last election for the Monmouth boroughs, serious damage having been done to Conservatives houses, and much intimidation exercised, 4711-4723——Numerous claims at Newport for compensation, none of which were allowed, 4721, 4722. 4724.

Particulars relative to the riotous proceedings at Tredegar, Pontypopl, Abersychan, and Blaenavon, on the occasion of the last election for Monmouthshire; great damage done to several houses, 4725-4746——Statement of the actual amounts claimed for damages, and of the amounts allowed against the hundred or district, 4730-4737——Very defective and anomalous state of the law as to compensation for damages at elections, 4747——Advantage if those who aggravate or foster riotous proceedings by mobs, could in some way be made responsible; suggestion whether the candidate in whose behalf such acts are committed, should not be liable to lose his seat, 4747-4754. 4776-4794.

Advantage if the polling places in Monmouthshire were not close to the large works, 4749——Conclusion that the ballot would not have had the slightest effect in diminishing the riots in the county, 4754-4759——Doubt as to any coercion of tenants by Conservative landlords, though a charge was made to that effect, 4760-4762. 4795, 4796. 4802. Belief that the riots in the county were due chiefly to political religious rancour; statement hereon as to the part taken in the election by Dissenting ministers and the clergy generally, 4762. 4837-4850.

Denial that at the election for the Monmouth boroughs the riots originated through any electors having been "bottled," 4763-4766—— Denial, also, as regards the riots at Chippenham that they were owing to any intimidation having been resorted to in the case of Sir John Neeld's tenants, 4767-4775——Very large number of attorneys em-

Report, 1869—*continued.*

Colborne, Thomas. (Analysis of his Evidence)—*continued.*

ployed on the Conservative side at the election for the county, 4797–4801——Heavy expenses of the Conservative candidates; explanation upon some of the items, 4803–4809.

Effect of the public nomination of candidates in aggravating disturbances, 4810——Considerable expense for polling places at the Monmouthshire election, 4811——Trouble and expense owing to the sudden nomination of candidates, these frequently not going to the poll; remedies suggested for this evil, 4812-4836.

Collen, Daniel. (Analysis of his Evidence.)—Resides at Chippenham, 4939——Statement as regards the Liberal riots at the Chippenham election of 1865, that these were provoked by the conduct of the opposite side, 4940-4952. 5030-5035——Strong feeling at Chippenham as to intimidation and undue influence being exercised by certain Conservative landlords in respect of their tenants' votes; good grounds for this feeling, 4949 *et seq.*——Particulars in connection with several notices to quit which were served upon tenants who had voted on the Liberal side, 4958 *et seq.*; 5040–5042.

Explanation as to there having been no petition against the return for Chippenham in 1868, notwithstanding the undue influence exercised on the Conservative side, 5025–5029. 5039——Belief that the ballot is the only remedy for the evils which prevail at the Chippenham elections, 5037–5039——Tendency of the ballot to prevent riots, as the people would have faith in the fairness of the election, 5044–5046.

Commissions of Inquiry. Exception taken to the section of the Act relating to the issuing of a commission when there have been excessive corrupt practices at any place, *Sir J. S. Willes* 10797.

Committee-rooms. Undue number of committee-rooms at borough elections, *Sir C. Blackburn* 12081.——*See* also *Public Houses.*

Compensation for Damages. Very defective and anomalous state of the law as to compensation for damages at elections, *Colborne* 4747.

Resolution to be proposed by Mr. Hardy on the subject of compensation for damages, *Rep.* xiv.

See also *Chippenham.* *Newport* (*Monmouth*).

Compulsory Voting. Objection to the whole constituency being required to vote as a public duty, *Darvill* 747, 748.

Conveyance of Voters to the Poll. Approval of a prohibition upon expenditure in the conveyance of municipal voters to the poll, *Barber* 51, 52; *Butler* 482——Unsatisfactory state of the law as to the hiring of conveyances for voters in boroughs; advantage of entire prohibition, or of rendering the practice legal, so as to facilitate the polling of workmen, *Forwood* 3340–3345. 3486–3496——Expediency of prohibiting expense for the conveyance of voters to the poll, with certain exceptions, *Latham* 6484–6487. 6533, 6534.

Proposal that under witness's scheme of local or parish voting the conveyance of voters to the poll be declared illegal, *Right Hon. G. W. Hunt* 9507–9509——Prohibition, both in France and America, of allowance for travelling expenses of voters, *Sir C. W. Dilke* 10227——Illegality of payment for the conveyance of voters to the poll; question of vitiating the election on this ground, *Sir S. Martin* 10625–10628.

See also *Parish Voting* *Polling Places.*

Corbett, William. (Analysis of his Evidence.)—Is employed in the London and North Western Railway Company's works at Carlisle, 12638——Submits that the great majority of the men in these works are Liberals, and that it was owing to undue influence so many of them voted for Mr. Hodgson at the borough election, 12639 *et seq.*——In canvassing the men in the works Mr. Hodgson did not use any undue influence, but his presence there as a director had a powerful influence upon the men, 12643–12646. 12717–12722.

Particular instances of men who felt coerced into voting for Mr. Hodgson, 12647–12658. 12708–12716——Accuracy of Mr. Irving's statement relative to the political character of the papers taken in at the reading-room at the works, 12663, 12664——Grounds for the conclusion that the meeting recently called at the works was far from unanimous in protesting against Mr. Irving's evidence; undue pressure put upon witness to attend this meeting, though he declined to do so, 12665–12692. 12702, 12703. 12754–12763.

Information relative to the dismissal of men after the election; conclusion as to the great prejudice shown towards those who voted against Mr. Hodgson, 12693-12707. 12735–12743——Statement relative to the constitution of the reading room or institute attached to the works; large proportion of the voters in the works who are not now members, though formerly membership was compulsory, 12725–12734——Belief that the majority of the workmen concur in the evidence given by Mr. Irving, 12750–12753.

Corrupt

Report, 1869—*continued.*

Corrupt Practices. *See* the Headings generally throughout the Index.

Corrupt Practices Act. Valuable check supplied by the Corrupt Practices Act, as regards bribery, &c., *Forwood* 3474-3476; *Sir S. Martin* 10612-10614——Very general satisfaction given by the working of the Corrupt Practices Act, *Sir J. S. Willes* 10819.

See also *Petitions.*

County Elections. Conclusion, in Draft Report of Chairman of the Committee, as to the small amount of bribery or corrupt treating at county elections, *Rep.* xvii——Consideration of the extent to which intimidation or undue influence is exercised by landlords or their agents at county elections, *ib.* xvii, xviii.

See also *Conveyance of Voters to the Poll. Ireland. Parish Voting. Polling Places. Undue Influence.*

Coventry. Certificate and report by Mr. Justice Willes, in the matter of the Coventry Election Petition, *App.* 568.

Criminal Prosecutions. Expected failure of criminal prosecution for election offences, if the trials were to take place in London, *Sir S. Martin* 10659-10662.

D.

Darnton, Henry Thomas. (Analysis of his Evidence.)—Is mayor of Ashton-under-Lyne, 3516——Statement to the effect that treating has been practised by Conservatives as well as by Liberals at the Ashton municipal elections, and that Mr. Hampson's evidence on this subject is inaccurate, 3517-3527——Information relative to the large number of public-houses and beerhouses engaged by the Conservative party at the last Parliamentary election: unduly large sum paid on this side for hire of rooms as compared with the payments on the Liberal side, 3519-3546. 3558-3566. 3603-3610.

Great excitement at the last Parliamentary election, 3519——Conclusion as to the inaccuracy of the charge that servants of the corporation had been unduly influenced by the corporation, in respect of their votes, 3519. 3521. 3575. 3620-3625——Equal number of Conservatives and of Liberals on the town council, the aldermen, however, being all Liberals, 3520, 3521——Prevalence of much violence and drunkenness at the municipal elections in former years; doubt as to bribery having been resorted to, 3521-3525. 3527.

Improvement as regards the municipal elections since the passing of Mr. Assheton Cross's Act, though it has not prevented treating or personation, 3547-3552——Want of some independent authority at Ashton for putting the law in force when personation and treating are practised at the municipal elections; great improvement if there were a stipendiary magistrate for dealing with such matters, 3552, 3553. 3576-3602. 3611-3619——Approval of the defeated municipal candidate being empowered to hold the seat if by a scrutiny he can prove corrupt practices on the part of the successful candidate, 3554-3557. 3567-3571.

Doubt as to the extent to which intimidation by masters may have been practised at the last Parliamentary election, 3572-3574——Equal intensity of party feeling at the municipal elections as in former years, 3576-3581——Failure of the present system, as regards the action of the magistrates or the town council for the suppression of corrupt practices, the appointment of an independent authority being very desirable, 3582-3602. 3611-3619——Necessity of a public prosecutor as well as a stipendiary magistrate, 3618.

Darvill, Henry. (Analysis of his Evidence.)—Is town clerk of Windsor; has had thirty years' experience of municipal elections, 484, 485——Belief that not only at Windsor, but in most other boroughs, a practice prevails of paying men for their day's work for voting, 486-493——Majority of Liberal electors at Windsor, so that bribery is resorted to by the other side, 492, 493. 543-545. 569-582——Frequent intimidation at municipal elections at Windsor, 494——Liability of the voting papers to be tampered with, 494-496. 517, 518——Peaceable conduct of the Windsor elections, 497——Estimate of from fifty to sixty voters as the number that would expect payment for their votes, the total number being about 630; 498, 499. 540-542.

Conclusion that when the Parliamentary election closely follows the municipal election, the former is affected by the latter, 501, 502——Explanation as to the penalty for bribery at municipal elections being inoperative at Windsor, 502-506. 519. 817-825——Grounds for suggesting that a residence of only twelve months should be sufficient as regards the municipal franchise, 507-510——Effect of increasing the number of electors in diminishing bribery, 511——Opinion that at the last Parliamentary election for Windsor 100 people were bribed, 512. 790. 807.

Improvement if, in lieu of the system of voting papers, personal voting were adopted for municipal elections, 513-515. 517, 518——Statement that witness, though opposed to the ballot all his life, has of late become convinced that it is the only remedy against

Report, 1869—*continued.*

Darvill, Henry. (Analysis of his Evidence)—*continued.*

bribery, corruption, and intimidation, 515, 516. 529. 532-535. 561-563. 635-637—— Increased facilities required for the disqualification of town councillors, returned by means of bribery committed by themselves or by agents, 519-528——Proposed trial of petitions before a county court judge, duly empowered for the purpose, 519. 549-552——Suggested definition of the term "agent," 527. 592-598——Proposed penalty in the case of persons acting as agents, or as canvassers, without authority, 528. 701-709.

Expediency of increased facilities for the prevention of treating, 529——Suggestion that town councillors and their agents be required to make a return on oath relative to the expenses and liabilities, 530. 532. 661-664——Belief that the returns made by agents for Parliamentary expenses are a perfect farce, 530——Probability of some of the municipal elections at Windsor costing a candidate 50*l.*; 531, 532——Several sources of expense at municipal and Parliamentary elections which would be checked by the ballot, 536-539.

Statement on the subject of the respectable townspeople at Windsor not taking legal proceedings for the punishment and prevention of bribery at the municipal elections; inference as to the expediency of its being some one's business to initiate proceedings, 546-560. 583-591. 710-722——Advantage of a public prosecutor with reference to cases of bribery, 548. 710-722——Belief that large numbers are now favourable to the ballot who formerly were opposed to it, 561——Improved chances of candidates of high character, if the ballot be adopted, 564-568.

Corrupt system of annual gratuities in force for many years at Windsor, with reference to the Parliamentary and municipal elections, 570-576. 669-672. 685——Purchase of cottage property at Windsor, with reference to the Parliamentary elections, the occupiers being intimidated as to their votes; removal of this abuse under the protection of the ballot, 576, 577. 607-610. 614-624. 674-676——Expediency of a prohibition of domiciliary or systematic canvassing for candidates, unless carried out by authorised agents, 592-612. 680-684. 701-709.

Examination opposed to the view that secret voting is incompatible with the system of authorised canvassing, and with the practice of public political discussion, previous to elections, 599 *et seq.*——Question considered whether lying and evasion would not be increased by the ballot; there is a great deal of lying at present, but evasion would probably be increased, 607-624.

Opinion that under the ballot the uncertainty as to the way in which men, though bribed, might vote, would in time prevent candidates from risking their money, 638-656 ——Statement of the obstacles to candidates, or their agents, making corrupt agreements with a body of electors for paying them after the election on condition of success, 639-673. 728-742. 781-805. 862——Further objection to the system of voting papers, as affording opportunities both for tampering and intimidation, 686-690. 700. 777-780.

Suggestions for the detailed carrying out of the system of ballot; objection hereon to the plan adopted in Australia, 691-699——Disapproval of paid canvassing, 707—— Further consideration of the circumstance of there having been no prosecutions on the part of the respectable inhabitants of Windsor in respect of bribery, both at municipal and Parliamentary elections, 710-722. 762-768. 810-825——Belief as to there having been much bribery at the Windsor municipal election in November last, 723. 724—— Probability of more importance being attached to municipal elections, now that the constituency has been assimilated to the Parliamentary constituency, 725.

Importance of a public inquiry further adverted to with reference to municipal elections, 726——Refusal of many tradespeople and others at Windsor to vote, through fear of giving offence, 727——Belief that the ballot would not lead to any increase of personation, 743-746. 826——Objection to the whole constituency being required to vote, as a public duty, 747, 748——Origin of the municipal corruption at Windsor further adverted to, 749-755——Very little interest taken in the municipal elections by many of the more respectable residents, 756-761.

Several election petitions from Windsor, in respect of different contests for the borough, 762-768——Explanation as to an inquiry not having been instituted with respect to bribery by Mr. Gardner at the last election, 768. 810-816——Gradual change of witness's opinions on the subject of the ballot, which he now believes to be the only effectual remedy for intimidation and bribery, 769-772——Grounds for the conclusion that all returns of election expenses are perfectly illusory, 773-776. 806.

Conclusion that immorality is at least as great under the system of open voting, as under the ballot, 827-833——Liability under the present system to corrupt agreements with gangs of voters, 834-836——The larger the constituency the less liability to bribe, 837——Equal means of preventing personation under the ballot, as under the present system, 838-840——Belief that public discussion would be increased rather than diminished, if the ballot were adopted, 841-845.

Full exercise of legitimate and moral influence under the plan of secret voting, 846-850——Frequent instances of coercive and mandatory canvassing, which would not occur if

Report, 1869—*continued.*

Darvill, Henry. (Analysis of his Evidence)—*continued.*

if the electors had the protection of the ballot, 851–856. 873–875——Decided advance of the movement at Windsor in favour of secret voting, 857——Desire expressed for the ballot by some of the most respectable Conservatives at Windsor, 858——Belief that by the ballot political morality will be restored to the town, 859.

Conclusion as to its being perfectly feasible to keep the voting secret where there is the ballot; practice in foreign countries adverted to hereon, 860, 861. 881–884——Doubt as to the present system being any check upon factory operatives voting against their known opinions, through fear of being twitted and reproached by their fellow workmen, 863–872——Probability of those voters at Windsor, &c., now open to bribes, polling according to their conscience if they could not get money, 876–878.

Effect of the ballot in checking domiciliary canvassing, 885–887——Absence of any instances of vexatious nomination for the town council of Windsor, 888–890. 894, 895——Important benefits anticipated from closing public-houses on election days, though it would be an unpopular measure, 891–893.

Davies, Henry. (Analysis of his Evidence.)—Is a publisher at Cheltenham, and conducts one of the local journals, 3626——Local government of Cheltenham by a body of Improvement Commissioners, thirty in number, ten of whom go out every year, 3627–3635——Statement of the qualifications of electors of the commissioners, owners as well as occupiers or ratepayers being entitled to vote, and there being a plurality of votes under Sturges Bourne's Act, 3637–3644——Varying composition of the constituency in the different wards, 3645–3648——Very strong political feeling in the election of commissioners, whilst much corruption has prevailed in the shape of treating, personation, and intimidation, 3649 *et seq.*

Unsatisfactory result of the right of women to vote at the municipal elections, 3659. 3689. 3801–3803——System of voting at the municipal elections by means of voting papers, 3660, 3661——Deterioration in the class of persons who become candidates for commissionerships, persons of good position being unwilling to canvass for the office, 3662–3667——Strong political bias shown in the appointment of officers by the commissioners, and by the officers themselves; instances of this, 3668–3674——Excessive political corruption at the municipal elections in 1866 and 1867, in the shape of beer tickets, 3675–3678.

Connection between the election of commissioners in the autumn of 1868 and the following Parliamentary election, 3679–3681——Conclusion as to the necessity of a public prosecutor for dealing with cases of personation, 3682, 3683——Less terrorism at the Parliamentary elections than at the municipal elections, 3684, 3685. 3715. 3799, 3800——Statement in favour of the municipal franchise at Cheltenham being assimilated to the Parliamentary franchise; great saving of expense and trouble thereby, 3685–3692——Suggested retention of plurality of voting in the municipal elections where the occupier is the owner of his property, 3690, 3691.

Advantage if non-resident owners were not qualified to vote at municipal elections, as obviating one of the chief causes of personation, 3692——Further check to personation by a sub-division of polling districts, 3693——Evils of the present system of nomination of municipal candidates, no previous intimation being necessary; suggestion that a pre-nomination be necessary, as in the case of poor law guardians, 3694.

Very heavy expenses at Parliamentary elections under the present system, 3695–3698——Expediency of simplifying the registration, as being a source of annual expense, 3697——Great increase of expense and of corrupt practices caused by the present system of open nomination; witness would abolish this system altogether, 3698, 3699——Importance of limiting the time allowed for canvassing, a protracted canvass causing much evil, 3698. 3706–3711. 3804–3806. 3822——Grounds for recommending that it should be necessary for candidates to come forward a fortnight or a month before the election, 3706–3706. 3804–3822.

Approval of a public declaration of the poll, 3712——Doubt as to treating, bribery, or intimidation being practised to much extent at the Cheltenham Parliamentary elections, 3713–3716——Decided preference for open voting as compared with the ballot, witness believing that the ballot would act as a premium to bribery, 3718–3720——Want of some means of dealing with persons who engage in bribery, under payment from the opposite side, with a view to evidence for a petition, 3720–3725. 3733–3735——Obstacles to carrying out prosecutions for personation at Cheltenham, 3726–3728——Operation of Sturges Bourne's Act at Cheltenham adverted to, 3729–3732.

Advantage if there were a public prosecutor, who should deal with bribers, 3735——Deterrent effect if the judge at an election inquiry had power to commit for trial persons guilty of bribery, 3736——Statement as regards certain misconduct on the part of officers at municipal elections at Cheltenham, that this could not have been discovered under the ballot, 3737–3745——Objection to voting papers being collected at the houses of the voters, 3746–3748.

Grounds for concluding that it would be a great improvement at Cheltenham if those only

Report, 1869—*continued.*

Davies, Henry. (Analysis of his Evidence)—*continued.*

only who are qualified for the Parliamentary register could vote at the municipal elections; large number and low class of municipal voters adverted to hereon, 3749–3786——Blame attaching to the candidates at municipal elections, and to their agents, in respect of the issue of beer tickets, 3770–3790——Limited extent to which pressure is put upon tradesmen by their customers in respect of their votes, 3791–3797——General feeling in the town in favour of abolishing the practice of nomination at the hustings, 3798.

Comparatively few of the higher class at Cheltenham who interest themselves in the Parliamentary elections, 3823——Very full polling of the constituency at the last election, 3824-3826——Almost inoperative effect at Cheltenham of the Act conferring the lodger franchise, on account of the compulsory attendance at the revising court; improvement if claims were admitted, subject to objection, as for the county franchise, 3827.

Declaration of the Poll. Approval of a public declaration of the poll, though it might be an improvement if it were not made on the hustings, *Bleckly* 1222–1225——Recommended abolition of the declaration of the poll, *Addyman* 1536; *Trippier* 1755——Conclusion that the public declaration of the poll is both useless and dangerous, *West* 2887.

Approval of a public declaration of the poll, *Davies* 3712——Advantage if the declaration of the poll were abolished, *Ellard* 7245; *Harkness* 8397-8404——Objection to an abolition of the declaration of the poll, *Sir S. Martin* 10645, 10646.

See also *South Australia*, 12. *Victoria*, 7.

Dilke, Sir Charles Wentworth, Bart. (Member of the House). (Analysis of his Evidence).—Is conversant with the mode of conducting elections in many foreign countries, 10136——Explanations in detail relative to the two systems of election by ballot in France, the one not being necessarily secret in all cases, and the other being necessarily secret, 10137 *et seq.*——Preparation of the polling cards in France by the Government, these showing the right to vote, and being generally obtained by the voters by personal application at the *mairie*, 10138–10151——Supply of bulletins to the voters by the candidates' agents; use made of these in polling, 10139–10142. 10149, 10150.

Statement of the means for the prevention of personation at the French elections, 10141. 10144. 10146. 10307–10309——Return of the voting card to the voter after it is examined in the polling booth, it being available for a second election, 10141. 10146. 10217. 10233–10235——Necessity of the bulletin being folded by the voter, after which it is handed to the assessor or deputy returning officer, and is placed in the ballot-box, 10141, 10142. 10163.

Use of a polling-card, similar to that in France, at the test ballot in Manchester, 10146——Practice at Manchester as to signing the voting paper, 10148——Loss of the vote, in France, if the voter's name be put on the bulletin, 10149. 10155, 10156——Practice of sealing up the ballot-box when the day's voting is over, 10151——Statement of the process in counting up the votes or bulletins, the result being set forth in the *procès-verbal*, 10151, 10152. 10157——Several classes of bad or lost votes; course pursued as regards these, 10151–10157——Absence of nominations in France, each candidate being merely required to take the oath, 10158–10161.

Opinion that it should be an essential part of every ballot system that the voting paper should be handed to the returning officer or his deputy, 10162, 10163. 10256. 10263. 10302——Details relative to the system of ballot in the States of New York and Massachusetts, and other American States; this system is generally identical with the French system, secrecy not being necessary, but is conducted with less care, and is attended with much abuse, 10164–10167. 10174–10180. 10189 *et seq.*——Very extensive frauds and bribery at Boston and New York; how carried out, 10166, 10167. 10174, 10175. 10205–10207. 10218–10224.

Statement showing that, under the French system, a voter can prove to a fellow-voter how he has voted, 10167–10172. 10201–10204——Almost complete exemption from bribery in France; exceptional instance to the contrary at an election at Toulon, in 1868; 10169. 10221——Practice in Paris for the voters to observe secrecy, this not being the rule in the rural districts, 10170–10173. 10230–10232——Belief that the Australian system is not known in America, 10178——System in America of sometimes voting for several offices on the same ticket, 10180. 10194–10196.

Incidence of the expenses in France upon the authorities, the candidates having generally but small amounts to pay for printing, &c. 10181–10188. 10228, 10229——Incidence of the expense in America upon the local authorities, the amount being very limited, 10182, 10183——Question as to the check, under the French system, for preventing an undue number of voting-cards being put into the ballot-box or urn, 10208–10211. 10256——Particulars relative to different plans and machines invented with a view to ballot-voting by balls; several advantages of the ball-ballot, though witness hesitates to recommend its adoption, 10213–10215. 10294–10301.

Opinion that, under the Australian system, with the addition of one provision, secrecy would be absolutely preserved, 10216——System of voluntary canvassing in the rural districts in France, 10225, 10226——Prohibition, both in France and America, of allowance

Report, 1869—*continued.*

Dilke, Sir C. Wentworth, Bart. (*Member of the House*). (Analysis of his Evidence)—*contd.*

ance for travelling expenses of voters, 10227——Absence of treating at the candidate's expense, either in America or France, 10236, 10237——Peaceable conduct of the elections in France and the States, voters going to the poll without obstruction, 10238, 10239. 10244–10246 —— Absence of any disturbances at the declaration of the poll in France, 10240–10243——Belief as to a system of registration having been adopted in the States since the war, 10248, 10249.

Description of the points of difference between the ballot in Tasmania, New South Wales, and Victoria, on the one hand, and in South Australia on the other, 10250, 10251. 10256——Advantage of the plan of the voter scratching out the names of the candidates for whom he does not vote, 10251——Exceedingly few bad or lost votes at the Manchester ballot, from one-half to two-thirds of the constituency having voted, 10251–10255——Suggestion that if the returning officer, on putting the voting paper into the box, should, in any case, see how the vote was given, such vote should be lost, 10257, 10258. 10302.

Explanatory statement on the subject of the Tasmanian dodge; precautions by which it may be prevented, it being in any case very difficult of execution, 10259–10277—— Advantage of the check afforded by the deputy returning officer putting his initials on each paper, 10259. 10302——Approval of the practice in Victoria whereby the returning officer assists those who cannot read or write, 10278, 10279——Advantage of the French system, in the case of uneducated voters, 10280.

Varying practice in France and in the several Australian Colonies, as to the destruction of the voting papers after the election, and as to the conduct of a scrutiny, 10282. 10289, 10290——Conclusion that, with proper precautions against personation, a scrutiny is unnecessary, and that the papers should at once be destroyed, 10282–10290. 10302 ——Impression that in America there is no scrutiny, though Members have been unseated, 10291, 10292.

Possibility, under the ballot, of voters being induced to refrain from voting, 10293—— Device suggested by witness, and adopted at the Manchester ballot, for enabling blind voters to poll with secrecy, 10298——Incidence of the legal expenses of Australian elections upon the rates, 10303——Objection to the permission, in Australia, to pay for the conveyance of voters to the poll, *ib.*——Advantage of conducting the ballot in rooms; economy thereby, 10305, 10306.

Statement showing that it is perfectly possible, without the ballot, to prevent the state of the poll being known, and thus to prevent afternoon bribery on the polling day, 10310–10316. 10326–10333——Statement also that, in small boroughs, the ballot would not prevent bribery in the form of a conditional payment, in the event of the candidate's success; this, in fact, would be the only form of bribery feasible under the ballot, 10316–10325.

Draft Report. Copy of Draft Report, as prepared by the Chairman of the Committee, *Rep.* xv–xx.

Drogheda. Excessive violence and rioting at Drogheda during the last election, *Lord Strathnairn* 11745—— Advantage if there had been a polling place at the railway station, *ib.* 11793.

Certificate and report by Mr. Justice Keogh in the matter of the Drogheda election petition, *App.* 583——Voidance of the election of Mr. Whitworth on account of the intimidation and violence which prevailed, *ib.*

Dublin City and County:

1. *Municipal Elections for the City.*
2. *Parliamentary Elections for the City and County.*

1. *Municipal Elections for the City:*

Particulars relative to the Dublin municipal elections; the qualifications of electors, and the part taken by the Roman Catholic priests; instances of bribery of Liberal electors in one of the wards, *Stokes* 4458–4474. 4529–4542—— On the whole, very little bribery has prevailed at the municipal elections, *ib.* 4460. 4529.

Powerful influence exercised by the Roman Catholic clergy at the election for the Dublin mayoralty in 1868; examination hereon whether this influence was not properly exercised, as bearing upon the question of the Irish church, *Norwood* 8116. 8197–8210.

2. *Parliamentary Elections for the City and County:*

Much more peaceable character of the Dublin Parliamentary election of 1852 than of the election in 1847, owing to the increase in the number of polling places, *Stokes* 4480–4482——Prevalence of bribery on both sides at the Parliamentary elections for Dublin; this applies, probably, more to Roman Catholics than to Protestants, 4483–4486. 4628–4635.

Report, 1869—*continued.*

DUBLIN CITY AND COUNTY—continued.

2. *Parliamentary Elections for the City and County*—continued.

Evidence as to the very general exercise of priestly influence and spiritual intimidation at the elections for Dublin and for Dublin county, *Stokes* 4487–4507. 4514–4520. 4543 *et seq.*——Statement relative to the steps taken by the Conservative party at the election before the last for the county of Dublin in bringing a large number of country voters into the city and keeping them away from the priests; denial that these men were under undue custody, *ib.* 4504–4506. 4514–4520. 4560–4597. 4624–4627.

Directions received by witness from Lord Strathnairn as to military escorts at the Dublin county election in 1868; consultation also of Sir Thomas Larcom on the subject, *McMurdo* 7534, 7535——Inordinate force of military and police sent to Balbriggan at the last election for the county, no occasion having arisen for so large a force, *ib.* 7545–7550.

Very active part taken by the priests in the Dublin city and county elections, *Norwood* 8115.

Reference to a written report by General McMurdo as contradicting his evidence relative to the inordinate employment of troops at Balbriggan at the last election for the county of Dublin, *Lord Strathnairn* 11724–11726. 11801–11808.

Certificate and report by Mr. Justice Keogh in the matter of the petition against the return of Sir Arthur Guinness, the election being declared void, *App.* 584——Permission given for the withdrawal of the petition against the return of Mr. Pim, *ib.* 585.

Dumfries Burghs. Information relative to the elections for the Dumfries burghs, and the prevalence of treating formerly; great improvement in this respect at the last election, *McGowan* 5989–5998—— Absence of bribery either in the burghs or county of Dumfries, *ib.* 6001——Considerable intimidation in one of the burghs at the last election, *ib.* 6006, 6007——Great abuse in the burgh of Dumfries, in connection with the licensing system, with reference to the election of 1868, *ib.* 6008–6013——Absence of paid canvassing on witness's side at the burgh election, witness, as agent, having accompanied the candidate in his canvass, *ib.* 6060–6070.

Denial of the accuracy of Mr. McGowan's evidence as to the prevalence of treating at the burgh elections, *Harkness* 8390–8394——Denial also of Mr. McGowan's statement that there was great abuse by the magistrates, in the granting of licenses in 1868, with reference to the election; examination in detail upon this subject, *ib.* 8395–8397. 8405–8454.

DUMFRIES-SHIRE:

1. *Charge of Undue Influence against Conservative Landlords.*
2. *Denial of the foregoing Charge; Counter Statement against the Liberals.*
3. *Employment of Agents.*
4. *Action of the Clergy.*
5. *Treating.*
6. *Feeling on the Subject of the Ballot.*

1. *Charge of Undue Influence against Conservative Landlords:*

Opportunities of witness for becoming conversant with cases of pressure by landlords in the counties of Dumfries and Roxburgh at the last election; publicity of these cases, *Russel* 5804–5813. 5892, 5893.

Witness submits sundry details as showing that in the second Dumfries-shire contest there was a very extensive pressure put upon tenants by their landlords to vote for the Conservative candidate, *McGowan* 5967–5988. 6014 *et seq.*——At the first election Sir S. Waterlow was in a majority of forty-four, and at the second in a minority of thirty-six, *ib.* 5970——A careful analysis of the votes was made by witness, and a careful personal inquiry conducted, as the result of which he cites several cases in illustration of the intimidation and undue influence by the landlords or their factors, *ib.* 5970–5988. 6014 *et seq.*

Particulars relative to two cases in which tenants suffered by loss of their holdings through having voted for Sir Sydney Waterlow; examination as to the outgoing and incoming rent in each case, *McGowan* 5978–5980. 6046–6048. 6101–6110——Notoriety in the county of the undue influence exercised by the landlords; the latter, however, justifying their action in the matter, *ib.* 6033–6040——Strong political feelings of the tenants which induced them to go against their landlords, *ib.* 6041–6043.

Explanation as to a petition not having been presented against Major Walker's return for Dumfries-shire, notwithstanding, as witness submits, there was ample evidence of undue influence; difficulty chiefly as to agency, *McGowan* 6078–6090. 6196, 6197—— Belief that numerous cases of intimidation did not come to witness's knowledge at all, *ib.* 6097. 6194, 6195.

Conclusion as to the undue influence of the landlords having been the sole cause of the defeat

Report, 1869—*continued.*

DUMFRIES-SHIRE—continued.

1. *Charge of Undue Influence against Conservative Landlords*—continued.

defeat of Sir Sydney Waterlow at the last election, *McGowan* 6127-6131——Belief, as the result of witness's investigation relative to the county voting, that there were only two tenants who could be evicted as not having leases, *ib.* 6132–6153——Opinion that on the Liberal side there was no undue influence, though there might have been influence exercised upon tradesmen by their customers, *ib.* 6168–6177.

2. *Denial of the foregoing Charge; Counter Statement against the Liberals:*

Two-fold cause to which the defeat of the Conservative candidate at the election in 1868 was owing, the chief cause being that the tenant farmers did not come forward, *Kennedy* 7800–7802. 7854-7856——Great dissatisfaction of the tenant farmers at the return of a stranger in 1868, *ib.* 7800–7804. 7854–7856——Very active part taken by the tenant farmers generally in behalf of Major Walker at the last election; their action in the matter was entirely voluntary, and the reports of intimidation by landlords and agents are altogether unfounded, *ib.* 7805 *et seq.*——Major Walker's success was entirely owing to the active part taken by the tenant farmers, the great majority of whom voted for him, *ib.* 7818–7821. 7854–7856.

Disorderly conduct on the Liberal side at the elections in question, *Kennedy* 7827–7833——Indignant feeling of the tenant farmers in respect of the charge of intimidation, *ib.* 7850–7852——Statement that more voters changed from the Conservative side to the Liberal side than from the latter to the former, at the second election, *ib.* 7884-7888.

Witness confirms the evidence of Mr. Kennedy, and positively denies that the result of the last election was brought about by landlords' intimidation, *Yorstown* 7897–7904——Denial of the accuracy of a statement by Mr. McGowan relative to the non-renewal of the lease of a certain tenant through his having voted on the Liberal side, *ib.* 7902–7904——The tenancy was let out to the new tenant at a considerable advance of rent, which the old tenant declined to give, *ib.* 7902, 7903.

3. *Employment of Agents:*

Objectionable employment of a large number of bank agents and lawyers at the Dumfries-shire election on the Conservative side, *McGowan* 6059. 6154–6164——Much larger number of paid agents on the Conservative side than on the Liberal side at the county election; expenses of each side adverted to hereon, *ib.* 6122–6126. 6154–6164.

Explanation relative to the number of agents employed on each side at the first and second election, *Kennedy* 7844–7849. 7891–7893.

4. *Action of the Clergy:*

Active interest taken in the county election by the clergy on both sides; opinion as to the legitimate character of such influence, *McGowan* 5987. 6049–6054. 6121——Strong influence exercised by the Dissenting ministers in favour of Sir Sydney Waterlow, *Kennedy* 7836–7838. 7871–7876.

5. *Treating:*

There was no treating at the last county election, *McGowan* 6032——System of treating on both sides till the last general election, *ib.* 6075–6077.

6. *Feeling on the Subject of the Ballot:*

Very general support given in Dumfries-shire, after the county election in 1869, to a petition in favour of the ballot, the signatures including many Conservative voters, *McGowan* 6021–6023. 6034. 6055–6057. 6117–6120. 6187–6193——Inaccuracy of the statement that since the last election public opinion in the county was strongly in favour of the ballot, *Kennedy* 7839-7843.

Dutton, Francis S. (Analysis of his Evidence.)—Was a Member of the Legislature of South Australia from 1851 to 1865, and was also a Member of the Government for several years, 9016–9019——Has had ample experience of the ballot in the colony, and of the previous system of open voting, 9020, 9021. 9037–9039——Is convinced that the ballot tends to purity of election and to quiet and order, 9022——There was much opposition to the adoption of the measure, but now all parties approve of it, 9023, 9024.

Very similar plan of registration of electors in South Australia and in England, 9026. 9055, 9056——Appointment by Government of the returning officer, the latter appointing the deputy returning officers, 9026, 9027——Clause of the Electoral Act of 1858, explanatory of the arrangements laid down for the working of the ballot, 9028——Correction of an inference drawn from Colonel Torrens's evidence that the ballot was not secret, 9030–9033——Inaccuracy also of an inference that the state of the poll became known before the declaration, 9033–9036.

Opportunities of the candidates for addressing the electors within twenty-four hours of the election, their being, however, a prohibition upon canvassing by candidates, 9039.

Report, 1869—*continued.*

Dutton, Francis S. (Analysis of his Evidence)—*continued.*

9068, 9069. 9197–9209. 9245. 9291–9296——Very rare instances of petitions, 9040, 9041—— Explanation relative to a petition which was successful on the score of bribery in the shape of travelling expenses of voters, 9042–9045. 9085–9089——Destruction of the voting cards immediately after the scrutiny, 9046——Form of voting paper in use, 9046——Doubt as to any coercion of voters under the ballot, 9047, 9048——Sufficiency of the checks and penalties in regard to personation, 9049-9052.

Statement of the number of electors for the House of Assembly and for the Upper House respectively, and of the composition of each House; use of the ballot in each case, 9053–9066——Total of eighteen electoral districts returning two members each, there being two districts in Adelaide, 9053, 9054. 9317–9319.

Very orderly conduct of the elections, though there is a good deal of political excitement, 9067. 9070-9072. 9127, 9132–9134. 9148, 9149——Frequent re-election of the same men, 9073–9076——Conclusion as to the very beneficial operation of the system of secret voting in the colony, 9077, 9078. 9127 *et seq.*

Possibility, under the ballot, of some candidates being prepared to bribe on the chance of those bribed supporting them, although it would be impossible to discover whether they had done so, 9079-9091——Objection to the voting papers being preserved after the scrutiny, or to there being any means of discovering how each voter polled, 9092–9102——Disadvantage of those voters in the colony who live at a distance from the polling places, it being illegal to convey voters to the poll; this is unavoidable, 9103–9110. 9140-9145. 9150-9156——Average of from sixty to seventy per cent. of the electors who vote; similar proportion before the adoption of the ballot, 9110. 9299–9301.

Information relative to the constitution and working of the court for the trial of petitions in South Australia; satisfactory result in the few cases hitherto tried, 9111–9121——Total of about nine per cent. of the electors who cannot read; decided objection to these having any assistance in order to enable them to vote, 9121-9126. 9351, 9352——Very riotous character of the elections when the voting was open; disappearance of this under the ballot, 9127. 9132–9134. 9183-9185. 9210-9221. 9251——Great expenditure formerly in treating, whereas now there is no inducement to incur this expense, which is moreover illegal, 9127–9132. 9218–9221——Advantage of the state of the poll not being known, 9133——Simplicity and efficiency of the machinery under the ballot, 9135.

Tendency of the ballot to increase the influence of candidates of high character, 9136, 9137——Equal check upon personation under the ballot as under open voting, 9138, 9139——Continued unanimity of the colonial feeling in favour of the ballot, 9145-9147——Less expensive contests formerly in the colony than in England, the ballot, however, being just as desirable in the latter country as a check upon corrupt expenditure, 9157–9163——Absence of similar political parties in the colony as in England; there, are however, opposing parties in the Legislative Assembly, 9164-9166. 9181, 9182. 9226–9228.

Credit taken by witness for being the father of the ballot in Australia; no act of his political life has given him so much satisfaction, 9167, 9168——Dissent from the view that the ballot has caused any deterioration in the constitution of the Legislative Assembly, or in the efficiency of the Government, 9169–9180. 9246-9250. 9341, 9342——Denial that candidates generally promise to support a large expenditure of public money, 9178–9180——Description of the process of ballot voting in the colony; belief as to there being no fraud in respect of voting papers, 9186–9196.

System of canvassing in the colony by the candidate's friends or agents; there has been less of this since the ballot, 9203-9208. 9241-9244. 9294-9298. 9316——Frequent changes of administration, 9222——Local character of most of the questions at elections, 9223, 9224—— Explanation of the legal provisions for dealing with corrupt practices, the Act of 1851 having been superseded by the Act of 1858; 9229–9240—— Circumstance of an election not being voided by personation, the check upon personation being, however, very efficient, 9252, 9253. 9257-9265——Rejection of many votes as being informal, 9254-9256. 9353-9355.

Satisfactory operation of the ballot as regards the Irish population in the colony; absence of religious animosity, or of undue pressure on the part of the Roman Catholic clergy, 9267–9290. 9343, 9344——Belief that the ballot would operate just as well in Ireland as in South Australia, 9286——Further statement as to the circumstances attending the adoption of the ballot in the colony; how the details were settled, 9302-9312.

Much less expense to candidates since the ballot, there being in fact no corrupt expenditure now, 9314, 9315. 9330-9339——Greater facility of bribery under the ballot in a small than a large constituency, 9320–9325——Circumstance of some members in Victoria having been recently expelled for bribery and been re-elected, 9328, 9329—— Statement as to all the legal expenses of elections in South Australia being paid by the State, 9340. 9345-9350. 9356-9358——Suggestion for facilitating voting by blind persons under the ballot system, 9351.

Edge

E.

Edge, Thomas Broughton. (Analysis of his Evidence.)—Is a member of the Middle Temple; practised at Bolton for several years as a solicitor, and had considerable experience of the Parliamentary and municipal elections there, 12768–12772 ——System at the Bolton municipal elections of paying the men for loss of time; belief that there has been no direct bribery, 12773–12777——Considerable amount of mob intimidation at the last municipal election; voters were also kidnapped or "bottled," 12778, 12779. 12786–12795. 12807, 12808—— Very little intimidation at the parliamentary elections by employers; decrease of this practice generally, 12780–12785. 12796. 12930–12932.

Belief that under the ballot bribery would still take place; illustration in support of this view, 12797–12803. 12887–12890——Opinion that voting papers would be the best means of checking, if not preventing, bribery and intimidation, 12804——Explanations in detail relative to the scheme of voting papers proposed by witness, being a modification of the plan in use for the election of poor law guardians, 12805 *et seq.*

Suggestions relative to the issue of the voting papers by the returning officer, and their delivery at the houses of the electors, 12806, 12807. 12813——Proposal that the papers be delivered three days before the election, and that during this period no canvassing be allowed, 12806, 12807. 12839–12857. 12942–12945——Expectation that witness's system of voting papers would prevent bribery on the polling day, as well as intimidation by mobs, and the bottling or kidnapping of voters; grounds for this conclusion considered, 12806 *et seq.*

Explanation of the arrangements proposed for the collection of the voting papers; doubt as to any abuse arising on this score, or as to an unduly long time being occupied in a house to house collection, 12807. 12813–12820. 12891–12893. 12912–12916. 12948–12951. 12971–12980——Proposed publication of the votes after the election; check thereby upon personation, 12807. 12811, 12812. 12823–12832. 12858–12863 ——Conclusion that the ballot would be no protection against the kidnapping of voters, 12807. 12809. 12887.

Question considered whether in the signing of the voting papers the voters might not be subjected to undue influence or bribery; grounds for dissenting from this view, 12821 *et seq.* 12987–13001—— Difficulty as to the voters signing in the presence of the collecting officer though this would obviate any chance of intimidation, 12878–12815——Belief that under the ballot it would be easy to ascertain how doubtful voters had polled, and that undue influence and bribery would be resorted to just as much as at present, 12887–12890. 12983.

Hardship, in the opinion of many of the working classes, through the loss of time and of wages in going to the poll, 12917——Opinion as to the facility of checking fraud or personation in the signing of voting papers, 12918–12929——Possibility of the loss of many votes through the papers not being signed when called for, or being lost, 12933–12939. 12952, 12953——Limited extent to which witness is aware of falsification of voting papers at elections of guardians or local boards, 12958–12963 ——Adverse feeling in Bolton towards the ballot, many of the Liberal party objecting to it. 12964–12966.

Avoidance of much of the evils of the present system of elections if the poll were conducted without the public knowing how it was going on, 12967–12970——Suggested modification of the university system in applying a system of voting papers to county elections, 12981, 12982 ——Tendency of the ballot to repress public opinion, 12983 —— Efficiency of the ballot as a means of preventing bribery on the polling day, 12985 —— Penalty contemplated as a check upon employers exercising undue influence as to the signing of voting papers, 12987–12994.

Edinburgh. Very pure character for several years past of the municipal and Parliamentary elections in Edinburgh, *Russel* 5778. 5785–5787.

Education. Occurrence of treating and bribery at Bradford in the case, chiefly, of the uneducated class of voters, *West* 2994–3000——Expediency of improved education in Ireland before the introduction of the ballot, *Right Hon. J. W. Patten* 11881. 11948, 11949.—— *See* also *Scotland,* 1.

Ellard, John. (Analysis of his Evidence.)—Is town clerk of Limerick, and is well conversant with the local elections, 7139–7141——Considerable influence exercised at the elections by the mobs; frequent instances of violence and intimidation on their part, 7142–7146. 7157. 7183–7191. 7231–7233——Confirmation of Mr. Spaight's evidence as to the attack upon his house at a former election, 7144. 7274——Particulars relative to the petition consequent upon the last election; explanation as to intimidation not having been charged, 7146–7151. 7247–7256——Statement as to witness having been conducting agent for Sir Peter Tait and Mr. Pigott, 7151–7156. 7227–7230.

Great influence exercised by the Roman Catholic clergy at the elections, 7158, 7159. 7175–7179. 7234——Influence exercised in the rural districts by the landlords and their agents; very little of this influence in Limerick city, 7160. 7237 ——Reference to the hiring of mobs at the last election; denial that there was any mob on Sir Peter Tait's side, 7161. 7255, 7256——Statement as to Sir Peter Tait not having been brought forward or supported by the Conservatives as a body; explanation as to his having issued

Report, 1869—*continued.*

Ellard, John. (Analysis of his Evidence)—*continued.*

no address, and having been put forward unexpectedly, 7162-7174. 7203-7208——Circumstance of Archdeacon Gould's tenants not having voted at all, 7162. 7239-7244.

Belief that the ballot would be an immense advantage at the Limerick elections, and that under it the Roman Catholic clergy would not exercise any undue influence over their flocks, 7180-7182. 7197-7202. 7215-7217. 7237, 7238. 7257-7261.

Instances of objectionable conduct of the Limerick municipal elections, more especially in the way of intimidation, 7192-7194. 7210-7214——Approval of the ballot at municipal elections, 7195——Strong feeling in Limerick in favour of the ballot, the Conservatives, however, being afraid that priestly influence would still prevail, 7197, 7198——Advantage if the state of the poll were not declared till some time after the election, 7232, 7233——Instance of unjustifiable language used towards witness by a priest at the last election; this would hardly have occurred under the ballot, 7234-7239. 7262-7269.

Approval of an abolition of public nominations, 7245——Advantage also of doing away with the public declaration of the state of the poll, *ib.*——Also of closing public-houses on the day of election, and the previous day, 7246——Tendency of the ballot to prevent the use of organised mobs, 7270-7272——Anxiety of the Roman Catholic clergy for the intervention of Sunday between the nomination day and the polling day; objection to this arrangement, 7273-7275.

Employment of Voters. Inadequacy of the provision in the Representation of the People Act, which disentitles electors to vote who are employed and paid as committee men or canvassers; suggestion that the voting of such persons should void the election, *Sir J. S. Willes* 10853-10859——Inconvenience in questioning voters when about to poll as to their being employed or paid, *Sir S. Martin* 10861.

Enniskillen. Permission given for the withdrawal of the petition against the return of Lord Crichton, *App.* 585.

Escorts for Voters (*Ireland*). See *Dublin City and County*, 2. *Ireland* II., III. *Sligo County*, 1.

Eviction of Tenants. See *Cardiganshire. Dumfriesshire*, 1. *Ireland*, I. *Merioneth shire. Mid-Cheshire. Roxburghshire. Wales*, 1.

EXPENSES OF ELECTIONS:

Objection to placing the expenses of Parliamentary elections upon the towns, as tending to increase the number of candidates, and of contests, *Barber* 289. 340-345——Belief that the return made by agents for Parliamentary expenses are a perfect farce, *Darvill* 530. 773-776. 806——With regard to the expense to candidates in sending out a polling card to each voter, they should, on the other hand, be relieved of the expense of polling-booths, clerks, &c., *Bleckly* 1367-1369——Doubt as to the local feeling at Liverpool being favourable to paying out of the rates the expenses of the Parliamentary elections, *Johnson* 2106. 2152-2159.

Objections to the expense of Parliamentary nominations being borne by the borough, *West* 2890. 2932, 2933——Statement favourable to voiding the seat of the candidate returned at the Parliamentary election, if the agent for election expenses, or the candidate himself, makes a fictitious return of the expenses; present regulations on this point considered, *ib.* 3009-3023. 3032-3035——Objection to the expense of Parliamentary elections being thrown upon the town, *Forwood* 3421-3423. 3437-3442——Non-objection to the election expenses being thrown upon the town, if candidates not polling a certain number of votes be required to contribute, *ib.* 3443, 3444——Approval of the candidate being unseated in the event of his making payments not included in his return, *ib.* 3471-3473.

Very heavy expenses at Parliamentary elections under the present system, *Davies* 3695-3698——Disapproval of the election expenses being thrown upon the borough, instead of being borne by the candidates, *Kirk* 3946-3951. 4027, 4028.

Statement that in the trial of petitions witness had no means of ascertaining the candidates' expenditure, beyond the amount officially returned, *Sir S. Martin* 10523, 10524——Suggestion made by Mr. Justice Willes whether there should not be an enactment that extravagant general expenditure should void the seat, *ib.* 10535-10538. 10615——Suggestion whether the seat should not be voided for a wilful keeping back of accounts, *ib.* 10665, 10666.

Consideration of the question whether an election should not be vitiated, on the general ground that there had been a much larger expenditure than in the opinion of the judge was reasonable, *Sir J. S. Willes* 10744-10751. 10798-10800.

Suggested liability to loss of seat, unless the expenditure be duly returned within a certain time, *Sir C. Blackburn* 11970-11973. 11975. 11993. 12031. 12064-12069. 12073-12075——Great difficulty in determining what amount of expenditure was lavish, as a ground for unseating a Member, *ib.* 11982-11988——Conclusion as to there being a great deal of corrupt expenditure which is not returned, and which escapes detection; advantage on this score of witness's proposition for extending the time for petitioning

EXPENSES OF ELECTIONS—continued.

petitioning, *Sir C. Blackburn* 11989–11997——Possibility of much illegal and lavish expenditure without being able to connect it with agency, 11998, 11999.

Way in which there may be illegal and lavish expenditure in treating, &c., without the elections being necessarily invalidated; discretion exercised by the judge in such case, *Sir C. Blackburn* 11999, 12000——Impracticability of preventing corrupt expenditure, though by degrees increased difficulties may be put in the way, *ib.* 12006–12008——Belief that at no place where witness presided, was it the habit of Members to postpone payment of expenses till a following election, *ib.* 12030——Very large proportion of the expenditure due to paid agents and canvassers, *ib.* 12037.

Resolution proposed by Mr. Fawcett in favour of the necessary expenses of elections being borne by local rates, *Rep.* xiv.

See also *Agents. Ballot*, II. 12. 15. *Conveyance of Voters to the Poll. South Australia*, 10. *Victoria*, 4. *Westminster.*

F.

Fitzgerald, John Foster Vesey. (Analysis of his Evidence.)—Was Colonial Secretary in Victoria for several years; has been elected under the system of open voting, and under the ballot, 10862–10864——Almost total absence of venality in the elections before the ballot was introduced, 10865.10868. 10948, 10949. 11026——Considerable amount of mob intimidation when the voting was open; removal of this since the ballot, 10866. 10884–10886. 10952–10958——Very exceptional instances of corrupt payment under the ballot, 10867. 10950, 10951. 11027——Peculiar circumstances of the colony which render bribery much less probable than in this country, 10868–10873. 10948. 10951.

Great difficulty under the ballot in detecting wholesale bribery, it being quite open to candidates or their friends to make arrangements for paying voters conditional on success, 10874–10883——About equal expedition in polling by ballot and by voting, 10887. 10888——Impression in the colony as to the exercise of undue influence by the Roman Catholic priesthood, 10889, 10890. 11017——Very little secresy preserved by the voters, though the ballot enables them to be secret, 10890–10893. 11004–11007. 11028–11030. 11055——Much less canvassing than in England, 10894, 10895.

General feeling in the colony in approval of the ballot, more especially as preventing intimidation and disorder, 10896–10898. 10952–10958——Advantage of open voting, as facilitating the amendment of a fraudulent return, 10890——Suggestion that if secret voting be not completely adopted in England, the votes might be taken by ballot and made public a week after the election; facility thereby for detecting bribery, whilst intimidation would be diminished, 10899–10904. 10959–10962. 10967, 10968——Reference to a certain fraud under the ballot in Tasmania, this, however, being easy of prevention, 10905–10912.

Instance at Melbourne of the ill effect likely to ensue through one constituency returning several members, 10913–10925. 10970, 10971. 11031–11036 — Particulars relative to the certificates supplied to voters and required to be produced at the poll; abuse in connection with these, 10926–10947. 11019–11025——Entire absence of any undue influence in the colony, 10963–10966——Disapproval of the ballot only by the Roman Catholics, 10969. 11014–11018.

Important differences between the conditions and circumstances of Victoria and of England, so that it does not follow that the effect of the ballot would be identical in each country, 10974–10983——Large number of polling places in Victoria; varying size of the constituencies adverted to hereon, 10984–10992——Belief that it is impossible under open voting to prevent the state of the poll becoming known, and thus to prevent excitement, 10993, 10994.

Statement relative to candidates' expenses in Victoria, these chiefly being for printing and advertising, 10995–11003 — Disqualification for the franchise if persons are in receipt of charitable relief, 11013. 11055——Great deterioration in the constitution of the Legislative Assembly; witness does not attribute this to the ballot, 11037–11042 ——Excellent effect of the abolition of public nominations in the colony, 11043–11045 ——System of public meetings and of committees, by which the opinions of the candidates are made known, 11046–11054.

Forwood, Arthur Bower. (Analysis of his Evidence.)—Merchant and shipowner at Liverpool; took an active part at the last Parliamentary elections for South-west Lancashire and Liverpool, 3299, 3300——Statement as to the want of facilities for increasing the number of polling places at the South-west Lancashire elections, 3301–3306. 3497, 3498 ——Amount of expenditure on each side at the last Parliamentary election for Liverpool; Grounds for the conclusion that no corrupt practices were resorted to by either party, 3307. 3425–3434 *et seq.*

Steps taken by the Conservative party at Liverpool to prevent corrupt practices on their side, 3324——Very little drunkenness in the town on the polling day; inaccuracy of a former witness on this point, 3331–3333. 3383. 3505–3508——Improvement if the

Report, 1869 —*continued.*

Forwood, Arthur Bower. (Analysis of his Evidence)—*continued.*

working classes at Liverpool could record their votes near their places of employment, 3336-3339—— Unsatisfactory state of the law as to the hiring of conveyances for voters in boroughs; advantage of entire prohibition, or of rendering the practice legal, so as to facilitate the polling of workmen, 3340-3345. 3486-3496.

Prevalence of corrupt practices at the municipal elections in some of the wards, 3346-3352—— Limited increase of drunkenness in the town at the municipal elections in 1867 and 1868; 3353-3356——Inaccuracy of some evidence as to bribery on the Conservative side at the last municipal election, 3357-3359——Distinct conduct of the municipal and Parliamentary elections in 1868, the former not having influenced the latter, 3358-3364 ——Statement in favour of an assimilation of the municipal franchise at Liverpool to the Parliamentary franchise, so as to have but one register, 3365-3376.

Approval of the present mode of voting, as preferable to the ballot, 3377——Copies of resolutions recently adopted by the Liverpool Conservative Working Men's Association in favour of open voting, 3378-3382——Denial by the association of evidence given to tha Committee by Messrs. Trippier and Johnson; explanation hereon, 3382. 3477-3485. 3502-3515——Importance of volunteer canvassing, as at Liverpool; paid canvassing might be prohibited, 3384-3392. 3436——Objection to personal canvassing by the candidate, 3393.

Obstacles at Liverpool to dispensing with public-houses as the place of meeting of committees; approval of prohibiting the use of public-houses for public meetings held by the candidates, 3394, 3395. 3445-3465——Difficulty experienced in following up prosecutions for personation at Liverpool, a public prosecutor being desirable, 3396-3401—— Increased difficulty in dealing with personation if secret voting be adopted, 3402, 3403 ——Suggestion that the same laws and penalties be applied to municipal as to Parliamentary elections, and that the candidate be unseated in the event of bribery being proved, 3406-3411.

Feeling at Liverpool as to the uselessness of nominations, 3412-3420——Objection to the expense of Parliamentary elections being thrown upon the town, 3421-3423. 3437-3442—— Personal character of the bribery at the Liverpool municipal elections, party having nothing to do with it, 3424. 3435——Non-objection to the election expenses being thrown upon the town, if candidates not polling a certain number of votes be required to contribute, 3443, 3444.

Inaccurate returns rendered of the expenses of the last Parliamentary election at Liverpool, 3466-3470. 3499-3501——Approval of the candidate being unseated in the event of his making payments not included in the return, 3471-3473——Valuable check supplied by the Corrupt Practices Act, 3474-3476.

France (Ballot System):

Explanations in detail relative to the two systems of election by ballot in France, the one not being necessarily secret in all cases, and the other being necessarily secret. *Sir C. W. Dilke* 10137 *et seq.*——Preparation of the polling cards in France by the Government, these showing the right to vote, and being generally obtained by the voters by personal application at the mairie, *ib.* 10138-10151——Supply of bulletins to the voters by the candidates' agents; use made of these in the polling, *ib.* 10139-10142. 10149, 10150——Statement of the means for the prevention of personation at the French elections, *ib.* 10141. 10144, 10146. 10307-10309.

Return of the voting card to the voters after it is examined in the polling booth, it being available for a second election, *Sir C. W. Dilke* 10141. 10146. 10217. 10233-10235——Necessity of the bulletin being folded by the voter, after which it is handed to the assessor or deputy returning officer, and is placed in the ballot box, *ib.* 10141, 10142. 10163—— Loss of the vote if the voters' name be put on the bulletin, *ib.* 10149. 10155, 10156—— Practice of sealing up the ballot box when the day's voting is over, *ib.* 10151 ——Statement of the process in counting up the votes or bulletins, the result being set forth in the procès verbal, *ib.* 10151, 10152—— Several classes of bad or lost votes; course pursued as regards these, *ib.* 10151-10157.

Absence of nomination in France, each candidate being merely required to take the oath, *Sir C. W. Dilke* 10158-10161——Statement showing that under the French system a voter can prove to a fellow voter how he has voted, *ib.* 10167-10172. 10201-10204 ——Almost complete exemption from bribery in France; exceptional instance to the contrary at an election at Toulon in 1868, *ib.* 10169. 10221——Practice at Paris for the voters to preserve secrecy, this not being the rule in the rural districts, *ib.* 10170-10173 10230-10232.

Incidence of the expenses in France upon the authorities, the candidates having generally but small amounts to pay for printing, &c., *Sir C. W. Dilke* 10181-10188. 10228, 10229——Question as to the check under the French system for preventing an undue number of voting cards being put into the ballot box or urn, *ib.* 10208-10211. 10256——System of voluntary canvassing in the rural districts, *ib.* 10225, 10226—— There is no system of paid agency, *ib.* 10226.

Report, 1869—*continued.*

FRANCE (*BALLOT SYSTEM*)—continued.

Peaceable conduct of the election in France and in the States, voters going to the poll without obstruction, *Sir C. W. Dilke* 10238, 10239. 10244-10246——Absence of any disturbance at the declaration of the poll in France, *ib.* 10240-10243——Advantage of the French system in the case of uneducated voters, *ib.* 10280.

Examples of the procès-verbal, voting cards, and bulletins, in use at the elections, *App.* 594-600.

Franchise. Grounds for suggesting that a residence of only twelve months should be sufficient as regards the municipal franchise, *Darvill* 507-510——Effect of increasing the number of electors in diminishing bribery, *ib.* 511. 837——Suggestions for assimilating the municipal and parliamentary franchise, *Johnstone* 3236——Statement in favour of an assimilation of the municipal franchise at Liverpool to the Parliamentary franchise, so as to have but one register, *Forwood* 3365-3376.

Unsatisfactory result of the right of women to vote at the municipal elections at Cheltenham, *Davies* 3659-3689. 3801-3803——Statement in favour of the municipal franchise at Cheltenham being assimilated to the Parliamentary franchise; great saving of expense and trouble thereby, *ib.* 3685-3692——Suggested retention of plurality of voting in the municipal elections where the occupier is the owner of his property, *ib.* 3690, 3691——Grounds for concluding that it would be a great improvement at Cheltenham if those only who are qualified for the Parliamentary register could vote at the municipal elections; large numbers and low class of municipal voters adverted to hereon, *ib.* 3749-3786.

Resolution of the town council of Preston in favour of an assimilation of the two franchises, *App.* 589.

Freedom of Election. See *Ballot.*

G.

Galway. Certificate and report by Mr. Justice Keogh in the matter of the Galway borough election petition, *App.* 585, 586.

Gaunt, Edwin. (Analysis of his Evidence).—Is a town councillor of Leeds; concurs generally in the evidence of Mr. Addyman, 1546-1549——Explanation as to the heavy cost incurred in some county court prosecutions at Leeds in 1865, for bribery at the municipal elections, 1550-1553——Apprehension of increased expense which prevented the following up of these prosecutions in order to disqualify a member of the council convicted of bribery, 1554-1559——Instance formerly of a serious riot at a nomination for the borough, 1560.

Conclusion that the ballot is the most effectual and desirable remedy for bribery at municipal and Parliamentary elections, 1561-1567——Increase of corruption in some of the wards in Leeds as regards the municipal elections, 1568——Pure character of the last Parliamentary election, 1569——Explanation as to the corrupt character of the municipal elections whilst the Parliamentary elections are pure, 1570-1574——Less demand for the ballot in those wards where the electors are of the superior and educated classes, 1575-1581.

Growing feeling in the town, on the part of Conservatives as well as Liberals, in favour of the ballot, 1582-1587——Very little protection required at Leeds as regards intimidation; advantage however of the ballot on this ground, 1588. 1590-1593——Peaceable conduct of the last Parliamentary election, 1590——Prevalence of bribery at the municipal elections chiefly when the contests are close, and at a late period of the day, 1594-1597——Less probability of bribery if the poll were not published till the contest is over, 1598, 1599.

Gloucester. Permission given for the withdrawal of the petition against the return of the sitting members, *App.* 569.

Gravesend. Quiet manner in which the municipal elections of the borough have been conducted, *Troughton* 4037-4042——Particulars relative to the Parliamentary election and to the bribery and intimidation practised on the Liberal side, but for which the Conservative candidate would have been returned, *ib.* 4043 *et seq.*——Circumstance of a petition not having been presented; difficulty in proving the bribery, *ib.* 4055, 4056. 4072-4074——Violence displayed by an organised mob from Northfleet, *ib.* 4057-4064. 4082-4093. 4115-4121.

Statement of the number of the constituency and the number polled on each side; majority of 100 calculated upon by the Conservatives, whereas this was turned into a minority by the practices of the Liberals, *Troughton* 4065-4071. 4094-4111——Further information relative to the constituency of Gravesend, and the number who polled on each

Gravesend—continued.

each side, *Troughton* 4122-4129—— Statement in further support of the conclusion that but for intimidation and bribery on the part of the Liberals there would have been a Conservative majority, as shown by the previous canvass of the electors, *ib.* 4130-4155—— Non-promotion of a petition further adverted to and explained, *ib.* 4156, 4157.

Greece (*Ball-Ballot*):

Witness submits explanation in detail relative to the system of ball-ballot in operation at elections in Greece; strongly advocates the system on the ground of secrecy, simplicity, and fairness, *Arnold* 10334 *et seq.*—— Facility with which the most illiterate persons may vote, *ib.* 10355—— Very orderly conduct of the elections, whereas the people are peculiarly excitable in political matters, *ib.* 10373-10376. 10481-10490.

Instances of abuse in connection with the elections owing to the disorganised state of the country; conclusion that this is not consequent upon the ballot system, and that the elections are generally pure, *Arnold* 10377-10387. 10450-10461—— Practice as to canvassing, *ib.* 10393-10396——Character of the candidates and of the members elected; absence of objection to the ballot on this score, *ib.* 10400-10407.

Particulars relative to the system of compulsory requisition before any person is qualified as candidate, it being necessary that the requisition be signed by one-twentieth of the constituency; recommended adoption of this plan in lieu of the present nomination system, *Arnold* 10408-10428. 10430-10444——Very small expense of the candidates in Greece, *ib.* 10476-10480—— Careful custody of the ballot boxes, *ib.* 10504, 10505——Absence of interference on the part of the clergy, *ib.* 10506-10508——Appointment of the returning officer or eparch by Government, *ib.* 10509-10511.

Greenock. Certificate and report by Lord Barcaple in the matter of the Greenock Election petition, *App.* 580.

Guildford. Certificate and report by Mr. Justice Willes in the case of the Guildford petition, *App.* 569, 570.

H.

Hampson, John. (Analysis of his Evidence.)—Is general agent for the Conservative party at Ashton-under-Lyne, 2501-2503—— Testifies in detail to the prevalence of intimidation, bribery, and treating at the municipal elections for the borough, these practices being confined to the Liberal party, 2506 *et seq.*—— Statement as to the undue influence exercised by the corporation and its officers in the interests of Liberal candidates, 2525-2532. 2552. 2609, 2610. 2640-2644—— Particulars relative to a list of persons discharged from the mills of Mr. Oldham Whittaker and other employers after the last Parliamentary election for having voted on the Conservative side, 2532-2534. 2553 *et seq.*

Undue influence exercised over Mr. Hugh Mason's workmen and tenants relative to their votes, 2535, 2536. 2625-2630. 2727-2731—— Absence of bribery at the Parliamentary election, 2545. 2631. 2652. 2709-2726——Intimidation and undue influence were the chief evils at the last election, 2545. 2551 *et seq.*——Prevalence of treating to some extent, but only on the Liberal side, 2546-2550—— Explanation as to the formation and operation of the Victim Fund, for the relief of workmen dismissed by Liberal millowners, 2554-2560. 2645-2649.

Witness submits certain declarations made before magistrates at Ashton by different workmen relative to their dismissal for having voted for Mr. Mellor; detailed explanations hereon, 2562 *et seq.*; 2686-2697. 2739-2743—— Exceedingly quiet character of the Parliamentary election, 2580, 2581——Violence at some of the municpal elections, there being no dread of legal proceedings, 2582-2586——Stop put to corrupt practices on the Conservative side; explanation hereon as to legal proceedings not having been taken against the other side, 2587-2600.

Recommendation that the same law as to bribery, treating, and intimidation be applied to municipal as to Parliamentary elections, 2594. 2604—— Opinion favourable to the ballot for the protection of working men, both at municipal and Parliamentary elections, 2601-2603. 2650, 2651——Statement in explanation of the Victim List at Ashton; extent to which circulated, 2611-2620.

Reference to a notice posted by Mr. Oldham Whittaker as showing that he acknowledged having dismissed men for voting contrary to his wishes, 2620-2624——Absence of intimidation on the part of workmen against each other, 2636-2639—— Strong feeling in the town, and more especially among the working classes, in favour of Mr. Mellor; statement hereon that the extension of the franchise has rendered the Conservative party much the more numerous, 2653-2660. 2698-2704—Feeling of Conservative working men at Ashton, and of the working men generally, in favour of the ballot, 2661-2668.

Grounds

Report, 1869—*continued.*

Hampson, John. (Analysis of his Evidence)—*continued.*

Grounds for the conclusion that undue influence was exercised as regards the municipal votes of the workmen at Hurst mills, 2669-2685——Injury rather than benefit to the Conservative cause at Ashton through the lectures of Mr. Murphy before the Parliamentary election, 2732-2738——Further reference to the intimidation as regards workmen of Mr. Hugh Mason; question hereon as to certain expenditure by Mr. Mason in the erection of schools and reading rooms, 2752-2760.

Hankel, Allan Stewart. (Analysis of his Evidence.)—Is conversant with the system of elections in South Carolina; left the country six or seven years ago, 9955-9959. 10027-10029——Regulation by each State in the Union of its own mode of elections, 9960——Preliminary proceedings at elections in South Carolina; there is no nomination, 9961-9972——Appointment by the Governor of the State of managers who conduct the elections, and act as returning officers, 9965-9967——Necessity of a poll even though there are not more candidates than vacancies, 9973-9979——Steps taken to bring the candidates before the public, and to canvass for them, 9980-9987.

Particulars relative to the form of ballot in use in South Carolina; option of the voter to use any kind of voting paper he pleased, 9988-9994. 10002—— Option of the voter as to folding up the voting paper before placing it in the ballot-box, there being no rule as to the voting being kept secret, 9993, 9994——Very little check upon personation or disqualification, 9995-10001. 10041-10044. 10089-10091——Information relative to the qualification for the franchise, 9997. 10030-10040. 10084-10088——Circumstance of there having been no registration of voters in South Carolina, or in the other States; explanation hereon as to an attempt to register by means of a capitation tax, 9998. 10041-10044. 10050, 10051. 10069-10071. 10080.

Practice in South Carolina as to the custody of the ballot-boxes, and the counting of the votes after the ballot, 10002——Statement that under the ballot intimidation, mob violence, bribery, and personation have been practised to an excessive degree, the elections in this country being conducted in an infinitely preferable manner, 10003 *et seq.*——System of voting "early and often" at the elections in the States, 10019. 10044. 10133-10135.

Examination upon the question whether the ballot, as in South Carolina and other States, is not very badly devised and carried out, and therefore is no sound argument against the adoption of an efficient ballot system, 10041 *et seq.*——Great obstruction to the voting of respectable persons at elections in New York, 10063-10065. 10092-10101——Anxious inquiry in America for many years with a view to preventing the corruption at the elections, 10072-10074.

Very general feeling in South Carolina in disapproval of the present system of voting, 10102-10113. 10119——System in some of the States of voting for a number of candidates for different offices at the same election, 10120-10129——Absence of any effort by law to enforce secrecy, though it is very frequently practised by the electors, 10130, 10131.

Harkness, Christopher. (Analysis of his Evidence.)—Is Provost of Dumfries; has acted as agent for Liberal candidates at several elections for the burgh, 8388, 8389——Denial of the accuracy of Mr. McGowan's evidence as to the prevalence of treating at the burgh elections, 8390-8394——Denial also of Mr. McGowan's statement that there was great abuse by the magistrates in the granting of licenses in 1868 with reference to the election; examination in detail upon this subject, 8395-8397. 8405-8454——Avoidance of much tumult and riot at the Dumfries elections if there were no public nomination, and no declaration of the poll, 8397-8404.

Harris, Thomas. (Analysis of his Evidence.)—Resides in Cardiganshire, and has taken an active interest in the politics and elections of the county; has also a general knowledge of the counties of Carmarthen and Pembroke, 6199-6207. 6327-6330. 6347——Nonconformist character of the great bulk of the people of Cardiganshire, the great majority of them being Liberals, whilst the landlords are nearly all Conservatives, 6209-6212——Great coercion used at the last election for the county by the landowners, such coercion having been shown in various forms, 6213-6222.

Belief in the county that about 200 notices to quit have been served on tenants on account of their votes at the last election, 6223——Inquiry made by witness in various parts of the county on the subject of notices to quit; particular cases submitted to the Committee in proof of the undue influence exercised by the landlords, 6224 *et seq.*; 6297-6299. 6390-6400——Statement that nearly all the farmers in Wales are tenants at will, and have not, as a rule, any means of receiving compensation for improvements, 6282, 6283. 6320-6326.

Active influence exercised by the dissenting clergy in the Cardiganshire elections, and also by the clergy of the Established Church; witness is not aware of any undue influence by the former, 6284-6296——Evidence as to the extensive pressure put upon the tenants

Report, 1869—*continued.*

Harris, Thomas. (Analysis of his Evidence)—*continued.*

at the Carmarthenshire election; illustrations of this, and of the issue of notices to quit in respect of their votes, 6300–6319. 6357–6359.

Strong feeling in Wales in favour of the ballot, 6331. 6339——Independent feeling of the tenants in Church matters and in general politics, the protection of the ballot being greatly needed, in order to secure freedom of election, 6332 *et seq.*——Importance of abolishing canvassing in connection with the adoption of the ballot, 6340. 6349–6354.

Question as to the effect of the ballot in leading to deception on the part of tenants, this being however a less evil than the abuse under the present system of intimidation, 6350–6352. 6402–6406——Expectation alike of Whig and Tory landlords that their tenants will vote with them, the latter having great repugnance to the constraint put upon them, 6355–6382. 6407–6409——Strong feeling of the tenants as to the want of leases or of tenant right, 6368, 6369.

Hartlepool. Permission given for the withdrawal of the petition against the return of the sitting Members, *App.* 570.

Hebbert, James. (Analysis of his Evidence.)—Is a house agent at Windsor, and receives rents for the corporation, 896, 897——Opinion that there are not more than thirty-five or forty municipal voters at Windsor who receive payment for their votes, 898–904——Practice at Windsor of purchasing cottage property for political or election purposes, 905–909——Belief as to the last municipal election having been worked with reference to the Parliamentary election, 910–912——Prevalence of bribery and intimidation at the Parliamentary elections, so that the ballot has become a positive necessity, 913–946.

Hereford. Certificate and report by Mr. Justice Blackburn in the matter of the Hereford City Election Petition, *App.* 570.

Hill, Colonel Edward S. (Analysis of his Evidence.)—Is a large employer of labour at Bristol and Cardiff; is a member of the Cardiff Town Council, 4636–4639——Voted at Bristol at the last election, early in the day, without experiencing any obstruction, 4640–4642. 4684, 4685——Voted also at Cardiff, but was seriously assaulted by the Liberal mob; submits particulars relative to the violence of the mob, and states that many of the supporters of the Conservative candidate were intimidated from voting, 4643 *et seq.*——On the nomination day there was an organized mob in the Liberal interest, 4654–4678.

Active part taken in the Cardiff election by the dissenting ministers, and by the clergy generally, 4668–4672. 4679–4683. 4692–4694——Expediency of mobs being prevented by force from intimidating and molesting the electors, 4686——Approval of the use of voting papers under proper safeguards, 4686, 4687——Valuable services of the Cardiff police and the Bute police at the election, 4688–4690.

Hodgson, William Nicholson (Member of the House). (Analysis of his Evidence.)—Was a candidate for Carlisle at the last election; is now member for West Cumberland, 12370, 12371——Is a director of the London and North Western Railway Company; the Company having works within the borough of Carlisle, 12372–12376——Explains the circumstances under which, very reluctantly, he canvassed the voters in the company's works; positively denies that he used any pressure or undue influence in respect of their votes, 12377 *et seq*——Denies also that the reduction of the establishment at Carlisle, involving the dismissal of several voters who polled against witness, had any connection with the election, 12391–12411. 12421–12441.

Statement as to the great majority of the men in the Maryport and Carlisle Railway at Carlisle, having voted for Sir Wilfred Lawson, who is a director of the railway, 12419, 12420——Large majority of the men in the employment of the corporation who voted against witness, 12420——Admission as to the very large majority of the North Western Company's men having voted for witness, 12421, 12422.

Hours of Polling. Proposed extension of the hours of polling in large constituencies of working men, *Johnstone* 3236–3240.

Hughes, John. (Analysis of his Evidence.)—Boot and shoe dealer at Liverpool; acted as secretary for the Conservatives at the municipal election of 1867; 4851–4853——Submits that certain statements of Mr. Johnson to the committee relative to treating and bribery on the part of the Conservatives at the Liverpool municipal elections are entirely untrue, 4854–4866——Entire inaccuracy of the evidence of Mr. Johnson with respect to the election and conduct of witness as assessor for his ward on the Conservative side, 4857, 4858. 4867–4872.

Explanation as to witness not acting as overseer, though recommended to the magistrates for the purpose, 4873–4875——Particulars relative to the functions and mode of action of witness as one of the assessors for his ward at the municipal elections; nomination

Report, 1869—*continued.*

Hughes, John. (Analysis of his Evidence)—*continued.*

nation or election of one assessor on each side, who acts with the alderman, 4877–4893. 4910–4935——Positive denial of certain charges with reference to the conduct of witness at the elections; he has never been proceeded against for bribery, &c., 4894–4909.

Hull. Permission given for the withdrawal of the petition against the return of Messrs. Norwood and Clay, *App.* 571.

Hunt, The Right Honourable George Ward (Member of the Committee). (Analysis of his Evidence.)—Great inconvenience and expense in county elections through the voters having frequently to go many miles to the polling places, the expense of providing conveyance falling upon the candidates, 9490. 9534, 9535——Proposition that county voters be enabled to vote in their own parishes, the votes to be taken by the overseer and forwarded to the returning officer, 9490 *et seq.*

Suggestion for making the register answer the purpose of a poll-book, as part of witness's scheme, 9490——Proposal that every voter should receive from the overseer a duplicate of the entry of his vote, it being also contemplated that the poll sheets for each parish be published; check thereby upon falsification, 9490. 9521–9523——Consideration of objections to the scheme on the ground that the overseers are not fit to be trusted with the duty of taking the votes, and would moreover require assistance; belief that there is no good ground for these objections, 9491–9496. 9503–9505. 9519, 9520. 9525–9530.

Explanation that the scheme does not include any facilities for non-resident voters, though some arrangement might be made for taking their votes away from their parishes, 9497. 9510, 9511——Means of checking the expense of conveyance to the poll by increasing the number of polling places; increased expense however in the latter case, 9501, 9502. 9516–9518——Great saving of expense under witness's scheme, even if the overseer required assistance, and if check clerks were employed, 9502, 9503. 9508. 9512–9515.

Equal neeessity for a polling place in each parish if the ballot be adopted, 9503——Proposal that under witness's scheme the conveyance of voters to the poll be declared illegal, 9507–9509——Doubt as to facilities for undue influence by landlords and others under the plan of local or parish voting, 9527–9530——Advantage if the ballot be adopted, of a ballot box in each parish, and of the votes in the county being taken simultaneously, 9531–9534.

I.

Illegal Acts. Explanation as to there being certain illegal acts which involve penalties, but cannot be held as vitiating the election, *Sir S. Martin* 10524–10526. 10621–10628——Doubt as to the expediency of enacting that certain illegal acts shall void the election, *ib.* 10621–10625.

Imprisonment. Objection to any extensive exercise by the judge of his power to imprison for certain offences, *Sir S. Martin* 10663, 10664.

Intimidation. See *Undue Influence.*

IRELAND:

I. *Influence exercised at the Elections by the Landlords and the Roman Catholic Clergy respectively:*
   1. Evidence in Condemnation of the Action of the Landlords, and in Defence of that of the Priests.
   2. Evidence to a contrary purport.

II. *Employment of Troops and Escorts at the Elections:*
   1. Evidence in Condemnation of the present System, and of the Arrangements at the General Election.
   2. Explanation and Defence of the System, and of the Action of Government and the Magistrates.
   3. Question as to the mode of Arming the Troops.

III. *Employment of the Constabulary.*

IV. *Polling Places:*

V. *Question of the Ballot:*
   1. Evidence favourable to the Introduction of the Ballot in Ireland.
   2. Evidence opposed to the Ballot.

VI. *Conclusions and Recommendations in Draft Report of Chairman of the Committee.*

IRELAND—continued.

I. *Influence exercised at the Elections by the Landlords and the Roman Catholic Clergy respectively:*

1. Evidence in Condemnation of the Action of the Landlords, and in Defence of that of the Priests:

Active and undue influence exercised in the rural districts by the landlords, and way in which it is shown; counteracting influence exercised by the priests, *Murphy* 5302–5305. 5308–5313. 5356–5367. 5373–5381. 5441, 5442. 5497–5500. 5516–5526——Belief that the influence of the priests is exercised in the direction in which the people themselves would like to vote, if uncontrolled by the landlords, *ib.* 5308–5313. 5326. 5376, 5377. 5518. 5521. 5540–5542——Part taken by the Liberal candidates and by the priests in addressing the people on Sunday when that day precedes the polling day, *ib.* 5415–5420.

Very great influence exercised by the priests, who come between the landlord and the voter, *Raleigh* 5584-5586. 5602–5607——The principles of the voter and the priest generally agree, *ib.* 5585.

The great majority of the tenant voters go with the escorts against their own inclinations, in order to vote according to the wishes of the landlords; frequent instances of this, *McMurdo* 7510–7515. 7576–7596. 7676, 7677. 7758——Conclusion as to the majority of the tenants being unduly influenced by the landlords, the result being that a counteracting influence is exercised by the Roman Catholic clergy; preference for the latter influence, as compared with the former, *ib.* 7515. 7554, 7555. 7589–7596. 7635. 7650–7652. 7688–7699. 7779, 7780——Doubt as to the priests ever interfering to prevent mob influence, 7628–7635——Question considered whether, notwithstanding the alleged landlord influence, Liberal representatives have not been very generally returned, *ib.* 7688–7699.

Belief as to the great spread of Fenian projects if the priests kept aloof from political subjects, *McDermot* 8577–8579——Little, if any, influence of the priests at elections if they went counter to the opinions of the people, *ib.* 8583–8590——Fear of public opinion and not the influence of the priests, which neutralises the action of the landlords, *ib.* 8593, 8594.

Opinion that the issue of the general election in Ireland was peace or rebellion, *McDermot* 8597. 8618–8621——Extent to which it may be said that Roman Catholicism in Ireland is identified with Liberalism, *ib.* 8616–8618. 8651–8653. 8675–8684.

Very active interference of the priests when there is some great principle at stake in the elections, as when the question is between Protestant ascendancy and religious equality; justification of such interference, *Right Rev. G. Butler* 11515–11520. 11585 *et seq.*——Action of the priests with a view to the people voting according to their convictions, and independently of bribery or landlord intimidation, *ib.* 11515, 11516. 11519. 11553——Great reluctance with which the priests interfere in political contests, *ib.* 11517——Tendency to revolutionary projects but for the counsel of the priests, *ib.* 11518——Misfortune entailed by the franchise, as involving possible eviction, *ib.* 11556.

Examination in detail upon the question whether the priests are justified in exercising their spiritual influence from the altar and otherwise, with reference to the exercise of the franchise; argument in justification of their course of action in the matter, *Right Rev. G. Butler* 11585 *et seq.*; 11696–11700——Advantage if the priests could conscientiously abstain from taking part in the turmoil of elections, *ib.* 11666–11670——Notoriety of the fact that when Roman Catholic tenants vote against the Liberal party it is against their own conviction, *ib.* 11690–11695.

2. Evidence to a contrary purport.

Very general exercise of priestly influence at elections in Ireland, *Stokes* 4457——Great advantage if the clergy of all persuasions could be debarred from taking any part in the elections, *Spaight* 6885.

Great and undue influence exercised by the Roman Catholic clergy at the elections generally; particular instances of this, *Norwood* 8105–8118. 8117–8120. 8228–8244——Absence of undue interference by the Presbyterian clergy in Ireland, *ib.* 8133. 8159–8162.

Impression as to there being priestly intimidation in Ireland, rather than landlord intimidation, *Percy* 11336, 11337. 11413–11434.

Reference to a confidential report of witness as showing the immense influence exercised at the elections by the priests, *Lord Strathnairn* 11748–11750——Numerous instances of violence at the last elections owing to the harangues of the priests; reference to the charge of Judge Keogh at Drogheda, in illustration of this, *ib.* 11764–11782——Particular instance of excessively violent language of a priest: testimony given by a policeman in this case, *ib.* 11765–11770. 11776–11791——Conclusion as to the improper and unconstitutional position assumed by the priests as regards the elections, *ib.* 11782.

II. *Employment*

Report, 1869—*continued.*

IRELAND—continued.

II. *Employment of Troops and Escorts at the Elections :*

1. Evidence in Condemnation of the present System, and of the Arrangements at the General Election :

Witness submits that the wholesale employment of troops at the elections, more especially as escorts for rural voters, is extremely objectionable and prevents all freedom of election, *McMurdo* 7510 *et seq.*——Statement to the effect that the military officers regard the voters under escort in the light of prisoners; instructions issued by witness adverted to hereon, *ib.* 7516-7522. 7653-7668——Strong disapproval of the present system of employing the military fully armed, for the suppression of election riots: memorandum prepared by witness on this question consequently upon the Drogheda riots, *ib.* 7524-7529. 7537. 7539. 7568.

State of military occupation of the country at the last elections involving great expense, *McMurdo* 7530-7533. 7556-7558——Explanation of the practice in regard to requisitions for escorts: action in this respect of the landlords as resident or local magistrates, *ib.* 7543, 7544. 7572-7575. 7599-7618. 7733-7757. 7788-7791——Effect of the presence of the military in inducing riots, *ib.* 7550. 7649. 7724. 7727-7730 —— Very long period for which it has been the practice of successive governments to employ the military at the elections, *ib.* 7551, 7552.

Question considered, whether under the ballot, military escorts would not still be required ; objection in any case to such escorts, save as citizens or special constables, not armed with deadly weapons, *McMurdo* 7565-7571. 7576 *et seq.*——General feeling of army officers in disapproval of the present system of military escorts in Ireland, *ib.* 7584. 7759-7761. 7782-7787——Probability of many voters not polling at all, if not escorted by military conveys, *ib.* 7589-7617——Belief as to the military being usually asked for by the Conservative landlords, *ib.* 7618.

Impression among the people that the military are used by Tory governments for purposes of coercion at the elections, *Right Rev. G. Butler*, 11535-11538. 11680-11684 ——Doubt as to the necessity of escorts in order to enable men to vote with their landlords, if so disposed conscientiously ; danger however in times of excitement in dispensing with troops, *ib.* 11685-11689.

2. Explanation and Defence of the System, and of the Action of Government and the Magistrates :

Opinion that the military should still be available at Irish elections, but should be kept out of the way until really required, *Norwood* 8152, 8153——Obstacle to dispensing with the military even if the ballot be introduced, *ib.* 8154-8158.

Practice of witness and of stipendiary magistrates generally as to the granting of escorts upon application by agents and others without sworn informations, *Percy* 11179-11183——Impression as to some voters being under the notion that they cannot leave the escort, *ib.* 11189-11191——Great advantage if military escorts could be dispensed with: conclusion that the voters generally might reach the poll safely if really anxious to vote, *ib.* 11237-11253——Opinion as to the necessity of military escorts being accompanied by a magistrate, whilst the constabulary can act on their own responsibility, *ib.* 11273-11277. 11375-11385.

Further evidence to the effect that the voters under escort are free to leave the escort, and that certain statements made on this subject by General McMurdo are not well founded, *Percy* 11280-11295. 11366-11374—— Belief as to escorts being applied for by the Roman Catholic party at elections in the north of Ireland, *ib.* 11303-11306—— Opinion as to the sufficiency of a constable for accompanying a military escort, when a magistrate is not available, *ib.* 11435-11437.

Witness explains the general character of the instructions in force relative to the employment of troops at the last general election in Ireland, *Lord Strathnairn* 11713-11723. 11825——There is no ground whatever for any impression that military officers consider voters under escort in the light of prisoners, *ib.* 11727-11731. 11809, 11810. 11826-11828—— Conclusion as to many voters going under escort and voting with their landlords very much against their own convictions, *ib.* 11732, 11733. 11811.

Statement of the practice in regard to requisitions and orders upon which escorts are granted; the utmost impartiality is observed in the matter by Government, *Lord Strathnairn* 11734-11741——Instruction by witness for the employment of cavalry if available; illustration at Drogheda of the prudence of this instruction, *ib.* 11744, 11745.

Entire inaccuracy of the impression that the troops are ever used for political purposes, *Lord Strathnairn* 11753. 11758, 11759—— Obligation in regard to the troops or escorts being accompanied by a magistrate, or, when that is not possible, by a sub-constable, *ib.* 11754-11758. 11812-11817. 11826——Impossibility of dispensing with troops at the elections, *ib.* 11760, 11761. 11792.

Further statement that the officer in command of an escort would be guilty of a great dereliction of duty if he did not allow each voter freely to leave the escort, *Lord*

Report, 1869—*continued.*

IRELAND—continued.

II. *Employment of Troops and Escorts at Elections*—continued.

2. Explanation and Defence of the System, &c.—*continued.*

Strathnairn 11809–11821. 11826–11828——Large expense of the movement of troops at the elections, *ib.* 11822.

Statement as to the inaccuracy of General McMurdo's evidence on the subject of voters under military escort being considered as prisoners, or under control, *Right Hon. J. W. Patten* 11829–11835——Comment upon a statement by General McMurdo to the effect that too many troops were employed at the elections; conclusion that the precautions taken by the late Government in this respect were in no instance excessive, *ib.* 11836–11840.

Comment upon the course taken by Liberal candidates or their friends in spreading the impression that the military and police were used by Government for purposes of coercion, *Right Hon. J. W. Patten* 11852–11855. 11859, 11860. 11926, 11927——Impartial way in which escorts were provided, *ib.* 11856–11858——Belief that in the present state of Ireland it is essential to employ troops at the elections, *ib.* 11866.

Concurrence in the view that if possible the use of troops at the elections should be dispensed with, *Right Hon. J. W. Patten* 11882——Necessity of the orders of a magistrate before the troops can act; this does not apply to the constabulary, *ib.* 11883–11886——Distinctive features of elections in Ireland compared with English elections, so that the employment of troops is indispensable, *ib.* 11932–11940——Impartial employment of resident magistrates at the elections, without any reference to their political views, *ib.* 11942–11947.

3. Question as to the mode of Arming the Troops:

Proposition that two-thirds of the troops employed at Irish elections should be armed with sticks or truncheons, instead of with deadly weapons which they do not use; one-third of each contingent should be fully armed and kept in reserve, *McMurdo* 7521. 7524–7528. 7541, 7542. 7562–7564. 7623–7625. 7670. 7709–7726.

Strong objection to General McMurdo's suggestion, that the military at elections should be armed only with sticks, *Percy* 11319–11322——Letter from witness to General McMurdo, objecting to the arming of the troops with sticks, *Lord Strathnairn* 11746.

III. *Employment of the Constabulary:*

Very large constabulary force available for use at the elections, *McMurdo* 7566. 7626, 7267——Statement to the effect that when employed in large bodies at elections the constabulary should not be armed with deadly weapons, *ib.* 7762–7772——Inadequacy of the constabulary for preserving peace at the elections, *Lord Strathnairn* 11823, 11824.

Testimony to the conduct of the constabulary generally during the elections: great care taken to prevent their influencing the elections, *Right Hon. J. W. Patten* 11842. 11851, 11852——Impossibility of a magistrate accompanying every constabulary escort, *ib.* 11847. 11884.

IV. *Polling Places:*

Advantage of a minute sub-division of polling places, *Stokes* 4491——Importance attached to an increase in the number of polling places for the counties; great evil at present through the long distances which many voters have to travel, *McMurdo* 7538. 7553. 7559–7561. 7636–7648. 7679–7686.

Great evils arising from the insufficiency of polling places in Ireland, a large increase in the number being urgently required, *Norwood* 8125–8129. 8259. 8278. 8307, 8308 —— Necessity of military escorts so long as the polling places are so far apart, *ib.* 8125–8127——Increased opportunities for mob intimidation and violence through the insufficiency of polling places, *ib.* 8125–8129——Great expense to the voters in having to travel long distances to the poll, *ib.* 8125——Probability of the military being still required in some cases even though the polling places be increased in number, *ib.* 8211–8217.

Concurrence in the view as to the importance of an increased number of polling places at county elections, as in Sligo and Tipperary, *Percy* 11323–11328; *Lord Strathnairn* 11793–11795. 11800; *Right Hon. J. W. Patten* 11887.

V. *Question of the Ballot:*

1. Evidence favourable to the Introduction of the Ballot in Ireland:

Opinion that the ballot is the only remedy for the evils experienced at the elections: expectation that it would prevent not only corrupt influences but the employment of mobs and the consequent riots and intimidation, *Murphy* 5314–5326. 5372–5377. 5395–5399. 5404–5410. 5479–5487. 5501——Doubt as to Roman Catholic voters not being perfectly

IRELAND—continued.

V. *Question of the Ballot*—continued.

1. Evidence favourable to the Introduction of the Ballot in Ireland—*continued.*

perfectly able to maintain secrecy under the ballot; they would not feel bound to divulge to their priests how they voted, *Murphy* 5320–5326. 5479–5487——Very little difficulty as to the ballot, through the state of education of the people, most of whom can read and write, *ib.* 5446–5448.

Belief that the ballot would be an immense advantage at the elections, and that under it the Roman Catholic clergy would not exercise any undue influence over their flocks, *Ellard* 7180–7182. 7197–7202. 7215–7217. 7237, 7238. 7257–7261——Strong feeling in Limerick in favour of the ballot, the Conservatives however being afraid that priestly influence would still prevail, *ib.* 7197, 7198——Inaccuracy of the view that the confessional would be used as a means of ascertaining how votes were given, *ib.* 7197–7202. 7257–7259.

Evidence strongly in favour of the ballot in Ireland as the most effectual means of preventing undue influence, and as tending to obviate the necessity for escorts, *McMurdo* 7537, 7538. 7553. 7565–7571. 7576–7579. 7621, 7622——Less political interference of the priests if the ballot were in force, *ib.* 7781.

Opinion that the ballot can alone secure freedom of voting in Ireland; that is, if perfect secrecy be secured, *McDermot* 8591–8594. 8603. 8609, 8610——Inaccuracy of the view that priestly influence would be increased by the ballot, *ib.* 8593——Effect of the ballot in removing that public or popular influence by which landlord intimidation is now neutralised, *ib.*

Statement that in the confessional voters would not declare how they had voted, whilst if the priest obtained such knowledge in the confessional he would be debarred from divulging it, *McDermot* 8595–8602. 8685–8690.

Belief that the ballot would operate just as well in Ireland as in South Australia, *Dutton* 9286.

Decided approval of the ballot in Ireland, as a preventive to bribery and landlord intimidation, *Right Rev. G. Butler* 11521–11523. 11555——Probability of the priests withdrawing very much from politics if there were the ballot: they would however still urge upon the people the duty of exercising the franchise, *ib.* 11524. 11552, 11553. 11670. 11710, 11711.

Statement to the effect that under the ballot the confessional would not be used by the priest as a means of discovering how a man had voted, nor could the priest divulge any information so obtained, *Right Rev. G. Butler* 11523–11534. 11539–11551. 11583, 11584. 11647–11658——Improbability of the people not maintaining secrecy about their votes if they had the ballot, *ib.* 11554——Absence of any necessity for troops at the elections if there were the ballot, *ib.* 11703.

2. Evidence opposed to the Ballot:

Grounds for the conclusion that the ballot in Ireland would be no protection against priestly influence and would operate very adversely towards the Conservatives, *Stokes* 4495–4507. 4598–4623.

Argument that as regards the Limerick elections the ballot would be no effectual check upon priestly influence and intimidation, though it might protect the voter against the landlord, *Spaight* 6881–6885. 6906–6912. 6950–6954. 7006. 7015–7025. 7076–7089.

Evidence in support of the conclusion that in Ireland the ballot would not prevent priestly influence, and would not secure secrecy of voting, *Norwood* 8134–8147. 8218–8251——Instances of Roman Catholics in Ireland opposed to the ballot, whilst it is disapproved by Protestants generally, *ib.* 8147. 8248–8251.

Unfairness of the ballot as admitting of undue influence on the part of the priests, *Lord Strathnairn* 11793. 11796——Improbability of the ballot enabling the military to be dispensed with, though there might not be the same amount of rioting, *ib.* 11797–11809.

Grounds for the conclusion that the adoption of the ballot in Ireland would not tend to promote tranquillity at the elections, the opposing parties being clearly defined, and well known to each other, *Right Hon. J. W. Patten* 11867–11881. 11950–11952——Probability of the ballot increasing the influence of the priests, *ib.* 11878, 11879——Want of better education before the ballot is introduced, *ib.* 11881. 11948, 11949.

VI. *Conclusions and Recommendations in Draft Report of Chairman of the Committee:*

Comment on Draft Report of the Chairman of the Committee upon the extensive exercise of landlord intimidation in Ireland, *Rep.* xviii——Powerful influence exercised by the Roman Catholic clergy in opposition to the landlords' influence, *ib.*——Organised mobs employed at the elections, so that it becomes a necessity to employ troops for the protection of voters, *ib.*

Report, 1869—*continued.*

IRELAND—continued.

VI. *Conclusions and Recommendations in Draft Report, &c.*—continued.

Conclusion that the influence which is first exercised, and which provokes, if it does not justify, the counter influence set in motion, is that of landlords and their agents, *Rep.* xviii——Absence of freedom of election in many boroughs and counties under the present system, *ib.* xviii, xx.

Conclusion as to the expediency of the adoption of the ballot as the best remedy for the abuses of the existing system, *Rep.* xix, xx——Advantage of the ballot as a means of enabling the authorities to dispense with the employment of troops, *ib.* xx.

See also *Dublin City and County. Limerick City. Monaghan County. Sligo County.*

Irving, John. (Analysis of his Evidence.)—Has been a member of the corporation of Carlisle for some years, and is well conversant with the political opinions of the working classes in the borough, 9359, 9360. 9363, 9364. 9443, 9444——Total of 154 electors in the employment of the London and North-Western Railway Company at Carlisle at the time of the last election, 136 of whom plumped for Mr. Hodgson, 9361, 9362——Evidence in support of the conclusion that these men were for the most part Liberals, and were unduly influenced to vote for Mr. Hodgson, who is a director of the railway company, 9363 *et seq.*

Particulars relative to a mechanics' institute in connection with the workshops of the company, in which out of seven daily papers taken in six are Liberal; inference as to the great majority of the voters in the works being Liberals, 9365–9368. 9414–9417. 9462–9472——Statement relative to the canvass of the men in the works, and the improper course taken by Mr. Hodgson, as being a director, in personally canvassing them on one occasion, 9369 *et seq.*——Discharge after the election of five men out of six who had voted against Mr. Hodgson, whilst a very small proportion was discharged of those who voted for him; details on this subject, 9372. 9383–9387. 9395. 9418–9430. 9455–9461. 9473–9481.

Statement issued by some of the men in the works on the nomination day denying certain allegations in respect of their canvass by Mr. Hodgson; inaccuracy of this statement, 9378–9380. 9485–9489——Circumstance of the directors of the London and North-Western Company having declined any interference on the question of their workmen's votes; comment on their proceedings on the subject, 9388–9394. 9431–9438——Satisfactory notice issued by the North-Eastern Company, prohibiting canvassing at their Carlisle works; result as regards the voting of the men, 9391. 9396–9398. 9439–9455——Circumstance of three men at the London and North-Western Company's works having preferred disfranchisement rather than bear coercion, 9398.

[Second Examination.]—Explanation that many of the voters on the railway works are not now members of the institute, though formerly all the men were necessarily members, 12764–12766——Recent date at which a second Conservative paper has been taken in at the institute, 12766.

ITALY (BALLOT SYSTEM):

Sundry details in connection with the ballot system in Italy, showing that the elections are conducted without undue influence or bribery, with little expense to the candidates, and with very beneficial results generally, *Probyn* 12283 *et seq.*——Strictly secret character of the Italian ballot, *ib.* 12291——Way in which the voting papers are procured by the electors, and character of the precautions against fraud, *ib.* 12292–12303. 12316–12324——Arrangements as to the voter writing on the voting paper the name of the candidate for whom he polls, the candidates being well known through public meetings, &c., and there being no nomination, *ib.* 12292–12298. 12352–12354. 12357–12364.

Conservative majority in the Italian Chamber under the ballot system of election, *Probyn* 12300. 12349, 12350——Out of a population of 25,000,000, about 1,000,000 are qualified to vote, *ib.* 12305. 12323, 12324——Considerable interest taken by the voters in the elections; statement hereon as to the proportion who poll as compared with the proportion in this country, *ib.* 12306–12309. 12335–12338. 12365–12369——Effect of the ballot in Italy in neutralising all unfair influence on the part of the priests, *ib.* 12312–12314. 12325–12331.

Contrast between the elections in Italy and in England, *Probyn* 12332——Witness's experience of the ballot in Italy has thoroughly converted him to that system of voting, *ib.* 12332——Very orderly conduct of the elections, the military never being employed, *ib.* 12333, 12334.

Forms of the voting papers in use in Milan, *App.* 603.

Report, 1869—*continued.*

J.

Johnson, William. (Analysis of his Evidence.)—Carries on business at Liverpool in the Toxteth North and South Wards, comprising voters chiefly of the middle and working classes, 1931–1937——Testifies in detail to the great prevalence of bribery and treating at the municipal elections for these wards, on the part both of Liberals and Conservatives, 1938 *et seq.*——Particulars as to the bribery by the Conservatives at the municipal elections in November 1868, whilst there was no bribery on the part of the Liberals, witness having been chairman of the Liberal committee of his ward, 1960–1972. 2021. 2023.

Proceedings taken for the punishment of one of those guilty of bribery; great expense incurred, a verdict having been obtained, with costs, 1973–1980. 2033–2038. 2146–2151——Contemplated proceedings against the assessor at the polling-booth for bribery; circumstance of his having been recently elected as overseer, 1980. 1985–1991——Obstacles at the polling-booths from the crowd, whilst there was much drunkenness, 1992–1994.

Decided effect of the bribery at the municipal elections at Liverpool upon the voting at the Parliamentary elections, 1995–1998. 2071–2078——Belief that there was no bribery at the last Parliamentary election, but there was much intimidation; instance of this on the part of the Conservatives, 1997. 2010–2026——Approval of the proposal for closing the public-houses on the day of the election, and for prohibiting the use of public-houses as committee-rooms, 2004–2008. 2090–2092. 2110–2113.

Statement that in consequence of the intimidation and other corrupt practices at the Liverpool elections, witness has at length come to the conclusion that the ballot is essential, many local Conservatives being of the same opinion, 2009–2017. 2062, 2063. 2069, 2070——Low class of persons who receive bribes at the municipal elections; very similar class of persons on the Parliamentary register, 2027–2032. 2160–2168——Information on the subject of the revision of the list of municipal electors at Liverpool, 2041–2052. 2126–2142.

Corrupt practices in some of the other wards in Liverpool as well as in the Toxteth wards, 2064–2068—— Large majority of the successful candidate in the Toxteth wards, both at the municipal and Parliamentary elections, 2071–2078——Beneficial effect of the last Bribery Act in restricting corrupt practices at the last Parliamentary election for Liverpool, 2080, 2081. 2163——Importance of a public prosecutor, and of greatly increased facilities of punishment for corrupt practices, 2082, 2383. 2164, 2165.

Advantage of an increased number of polling places at the Liverpool elections, 2084–2088——Very little treating at the last Parliamentary election, 2089——Approval of a prohibition upon the employment of paid canvassers, 2093–2109——Doubt as to the local feeling being favourable to paying out of the rates the expenses of the Parliamentary elections, 2106. 2152–2159——Conveyance of voters to the poll at the last municipal election, but not at the Parliamentary election, 2114–2117. 2143–2145.

Reference to the bribery at the municipal election of 1867, as having been practised on both sides, whereas no prosecutions followed, 2118–2125——Statement on the subject of the existence of bribery at the municipal elections, but not at the last Parliamentary elections; that is, with reference to the character of the constituency in each case, 2160–2170.

Johnston, Frank. (Analysis of his Evidence.)—Is a manufacturer at Blackburn; has for several years taken part in the municipal and Parliamentary elections, 3056–3059——Testifies to the very extensive prevalence of bribery and treating at the municipal elections, each of the six wards being equally corrupt, 3060–3073. 3145–3153. 3206–3209——Circumstance of legal proceedings having never been taken in respect of any corrupt practices except personation, 3074–3082. 3167–3175——Particulars relative to the intimidation and obstruction resorted to at the municipal elections, all these elections being conducted as political contests, 3083 *et seq.*

Evidence as to the intimidation at the Parliamentary election in November 1868, and also at the recent election in March; belief that bribery also was resorted to, 3098–3101. 3125–3150. 3178–3184, 3210, 3211——Very little feeling in the borough against bribery, 3103, 3104——Statement showing the great excitement in connection with the last municipal election on account of the effect of such election on the Parliamentary election then near at hand; undue influence on the part of Conservative employers, whilst bribery was very extensively practised, 3105–3124. 3134, 3135. 3151–3163.

Danger of disfranchisement if there had been a searching inquiry after the Parliamentary election, 3130, 3131——Very few unnecessary nominations at the municipal elections, 3176, 3177——Large majority of operatives in the constituency, 3178, 3179——Different result of the Parliamentary elections but for the intimidation exercised, 3180–3184——Considerable bribery at some of the former Parliamentary elections, 3185–3200——Small earnings of many of those placed on the register by the late Reform Act, 3201–3205.

Report, 1869—*continued.*

Johnston, Frank. (Analysis of his Evidence)—*continued.*

Strong approval of the ballot as an effectual remedy for intimidation, 3212——Feeling among Conservatives at Blackburn as well as Liberals in favour of the ballot, 3213, 3214. 3227——Approval of an abolition of nominations, the practice, as at Blackburn, leading to much abuse, 3215-3227——Limited amount of treating at the Parliamentary elections, 3219——Importance of an increased number of polling places at the municipal elections, 3232–3234. 3241–3245.

Expediency of the same system of voting at municipal as at Parliamentary elections, 3235, 3236——Suggestion for assimilating the municipal and Parliamentary franchises, 3236——Proposed extension of the hours of polling in large constituencies of working men, 3236–3240.

Jones, The Rev. Michael Daniel. (Analysis of his Evidence.)—Is principal of the Independent College of Bala, in Merionethshire; has taken an active interest in the county elections, 6541–6548——Information relative to the elections of 1859 and 1865, showing that great intimidation was exercised by the Conservative landlords, and that in several instances tenants were evicted or had their rents raised, as a consequence of not voting on the Tory side, 6549-6585. 6678-6685——Reduction of the rents of some tenants for voting on the Tory side in 1865; 6576, 6577——General rule of landlords in requiring their tenants to vote with them, 6586——Retirement of the Tory candidate at the election in 1868, the Liberal constituency having been increased in number, and a strong feeling having arisen on the subject of the Irish Church, 6587, 6588. 6600–6607. 6613-6618. 6660–6677.

Dread with which the farmers in Merionethshire regard an election; meeting about a year ago at which they resolved to petition Parliament either to relieve them of the franchise or to give them the ballot, 6589-6594. 6608—6612——Instance of a Dissenting congregation in Montgomeryshire having been deprived of their chapel after the election in 1862; examination whether this might not have been owing to the use of the chapel for political meetings, 6595. 6637–6659. 6761–6788——Instance of a chapel having been sold because of the part taken by the clergyman in elections, 6595. 6770. 6775–6778——Denial that the Dissenting clergy in Wales exercised any undue spiritual influence the elections, 6596–6599. 6627. 6697–6702. 6743–6748.

Particulars relative to the quarrymen in Merionethshire, these being of a very independent character, and being chiefly Liberals, 6603, 6604. 6620–6626. 6663–6677. 6696. 6703–6707.

Belief as to the absence of coercion on the Liberal side at the elections in Wales, 6619–6624. 6687-6695. 6802——Considerations as to the influence of the Dissenting clergy in forming the political opinions of the quarrymen and of the voters generally; denial of any undue influence in this respect, 6625–6629. 6696–6728. 6789-6797——Statement as to the landlords in the county being generally against the Liberal side; there are, however, several exceptions to this rule, 6630–6632. 6686. 6729-6737.

Desire among the voters for the ballot, 6635, 6636——Examination on the subject of the use of Dissenting chapels in Wales for political meetings; this is frequently done, and witness approves of the practice, when other accommodation is unavailable, 6639–6659. 6738–6742. 6793–6801. 6803–6814——Doubt as to any difficulty in the working of the ballot in Wales, notwithstanding the defective education of the people, 6749–6760.

Jones, William. (Analysis of his Evidence.)—Has acted as agent for the Mostyn estate and for Sir Watkin Wynn's estate in North Wales, for some years, 8455–8460——Inaccuracy of the evidence of the Rev. Mr. Jones, of Bala, implying that intimidation was practised towards Sir Watkin Wynn's tenants in Merionethshire, and that evictions followed in the case of several who voted on the Liberal side in 1865; 8460–8472——Denial that rents have been reduced by Sir Watkin Wynn as a result of support at the elections, 8470, 8471——Explanation as regards the notice to quit given in the case of a Dissenting chapel in Montgomeryshire, that this had nothing to do with the elections, 8474–8479.

Inclination generally of the Welsh tenants to vote with their landlords, 8480–8486——Belief that the ballot in Wales would give increased influence to the Dissenting clergy, their influence being already very great, 8482–8488——Statement as regards the sale of a certain chapel in Merionethshire, that this took place long before the election of 1859, and had nothing to do with it, 8489–8491——Inability of witness to speak to the question of evictions by Sir Watkin Wynn, after the election of 1859; 8492–8494.

Juries. Uselessness of attempting to enforce penalties through juries for breaches of the election law, *Sir S. Martin* 10593–10597.

K.

Kennedy, James. (Analysis of his Evidence.)—Is a tenant farmer in Dumfriesshire and other counties, 7792–7797——Took an active part on the side of the Conservative candidate

Report, 1869—*continued.*

Kennedy, James. (Analysis of his Evidence)—*continued.*

date at the Dumfriesshire election in March 1869; 7798, 7799——Twofold cause to which the defeat of the Conservative candidate at the election in 1868 was owing, the chief cause being, that the tenant farmers did not come forward, 7800–7802. 7854-7856——Great dissatisfaction of the tenant farmers at the return of a stranger in 1868; 7800-7804. 7845-7856——Very active part taken by the tenant farmers generally in behalf of Major Walker at the last election: their action in the matter was entirely spontaneous and the reports of intimidation by landlords and agents are altogether unfounded, voluntary, 7805 *et seq.*

Disorderly conduct on the Liberal side at the elections in question, 7827–7833——Strong influence exercised by the Dissenting ministers in favour of Sir Sydney Waterlow, 7836-7838. 7871–7876——Inaccuracy of the statement that since the last election public opinion in the county was strongly in favour of the ballot, 7839-7843——Explanation relative to the number of agents employed on each side at the first and second election, 7844–7849. 7891-7893——Statement that more voters changed from the Conservative side to the Liberal side, than from the latter to the former, at the second election, 7884-7888.

King's Lynn. Attempt to prove undue influence in the case of the King's Lynn petition; its failure, *Sir S. Martin* 10539–10541.

Certificate and report by Mr. Justice Martin, in the matter of the King's Lynn petition, *App.* 571.

Kingstown. Regulation of the municipal elections in Kingstown and Rathmines by Local Acts; qualification in each case, *Stokes* 4441–4447——Statement that in the Kingstown elections, the Conservative voters are greatly obstructed in polling, there being in fact no freedom of election; steps being taken to remedy this, *ib.* 4448–4457. 4508-4513. 4521–4528.

Kirk, James. (Analysis of his Evidence.)—Is Mayor of Staleybridge; has been for several years member of the town council, 3828–3830——Dissent from Mr. Stanley's statement that intimidation and treating prevailed extensively at the Staleybridge municipal elections, 3831, 3832. 3835 *et seq*——Refutation of a statement by Mr. Stanley, that some railway workmen at Staleybridge, were discharged from employment for voting for the Liberal candidate at the last Parliamentary election, 3832——Inaccuracy of a statement that the town clerk or borough surveyor had taken part in canvassing servants of the Corporation for the Liberal candidate, *ib.*

Denial, also, of a statement by Mr. Stanley, that some servants of the corporation were discharged for not voting for the Liberal candidate, 3832, 3833——Conclusion as to intimidation not having been practised on the part of Liberal employers; examination on this point generally, and on the reported discharge of certain men by witness's firm, 3834. 3849–3868. 3877 *et seq*——Explanation relative to the expenditure at municipal contests, and the practice of the committees on each side in regard to treating, 3835–3849. 3869–3876.

Intimidation at the last Parliamentary election on the part of the Murphyite section, 3849–3853. 3908–3916. 3967–3970——Prevention of much treating at Parliamentary elections, if committees were not allowed at public-houses, 3917–3920——Particulars relative to the expenses at the last Parliamentary election for Staleybridge, which came under witness's cognizance as returning officer; statement hereon as to witness not having examined the vouchers, 3921–3938. 4004–4006. 4022–4026——Advantage if public meetings for hearing the views of the candidates were not allowed to be held at public-houses, 3939, 3940. 3998–4003——Decided approval of the ballot, though as regards Staleybridge, it would not have prevented several of the evils which occurred, 3943–3945. 4007–4021——Disapproval of the election expenses being thrown upon the borough instead of being borne by the candidates, 3946–3951. 4027, 4028——Satisfactory operation of the present system of nomination of town councillors at Staleybridge, 3952–3955——Limited amount of personation at the municipal elections, 3957, 3958.

Excitement on the day of Parliamentary nomination and of election, though persons were hardly deterred from voting, 3959–3964——Belief that on neither side was intimidation practised at the mills, 3971–3974——Proceedings on the nomination-day adverted to as showing the expediency of abolishing public nominations from the hustings, 3975–3990——Circumstance of the Conservative Members for Staleybridge and Ashton being supporters of the ballot, 3991–3997——Decided objection to the payment of Members, 4029——Statement relative to the police force of Staleybridge, 4030–4034.

L.

Lancashire. Conclusion as to there having been much personation on both sides at the Lancashire elections in 1868, *Taylor* 12132.

Landlords (*Undue Influence*). See *Ballot*, II. 4, 15. *Cardiganshire* *Carmarthenshire.* *Chippenham.* *Dumfries-shire.* *Ireland.* *Limerick City*, II. 3. *Merionethshire.* *Mid-Cheshire.* *Monmouthshire.* *Montgomeryshire.* *Roxburghshire.* *Scotland*, 2. *Sligo County*, 2. *Undue Influence.* *Wales*, 1.

Latham, George William. (Analysis of his Evidence.)—Is a magistrate for Mid-Cheshire; was chairman of Mr. Warren's central committee at the last election, 6410–6413 —— Large majority of the farmers in Mid-Cheshire who are Dissenters, whilst the land is nearly all in the hands of Conservative landlords, 6414, 6415, 6526–6531——Numerous signatures of tenant farmers to a requisition to Mr. Warren, and numerous promises to vote for him, whereas nearly 400 of those who were pledged to support him afterwards voted on the Conservative side, 6416–6418. 6439–6445. 6494–6498. 6532.

Conclusion as to the tenantry having largely voted for the Conservative candidates in order to please their landlords, and under coercion by them or their agents, 6418 *et seq.* ——Excess of Liberal votes polled in the towns beyond the pledges, 6418. 6469–6472 —— Belief that there was no case of eviction of any tenant for his vote; instance, however, of threatened eviction, 6419. 6429, 6430. 6515, 6516——Free permission given to the tenants on Mr. Lloyd's estate at Minshull to vote as they pleased, 6420——Constraint in the case of the tenants on the Wheelock estate of Mr. Ackers, so that they broke their promise to vote for Mr. Warren, 6421, 6422 ——Rare instances of leases in Cheshire, 6428.

Explanation that the landed interest in the county is exercised at elections alike by Liberal landlords and by Conservative landlords, 6432, 6433. 6454——Instance of Liberal tenants having voted on the Conservative side, though assured that they should not suffer for voting according to their conscience, 6435–6438——Majority for the Liberal candidate if the promises received had been fulfilled, 6446–6450——Little interest taken by Cheshire farmers in politics, they being, as a rule, an uneducated class, 6451–6453 —— Undue influence in respect of tradesmen's votes; instances of loss of custom through not voting on the Conservative side, 6455. 6457–6460——Strong influence exercised by the clergy of the Established Church, 6455–6458.

Recent conversion of witness in favour of the ballot; he still believes it an evil, but a far less evil than the system of open voting, 6461–6463——Expectation that under the ballot deception will not be necessary, and that undue influence will not be brought to bear, 6462——Increased necessity for the ballot since the extension of the franchise; expediency of further extension in the counties, if accompanied by the ballot, 6463–6468. 6523–6525——Reference to the action of Lord Egerton of Tatton, and other landlords, in not facilitating the free voting of their tenants; different course pursued by the father of the Liberal candidate, 6473–6480.

Suggested abolition of nominations, 6481——Advantage of closing public-houses on the day of the poll, 6481. 6520——Proposal that all meetings be held at places not public-houses, such as school-rooms, 6481–6483. 6521——Expediency of prohibiting expense for the conveyance of voters to the poll, with certain exceptions, 6484–6487. 6533, 6534——Doubt as to the necessity of any further increase in the number of polling-places in Mid-Cheshire, 6485–6487——Approval of the abolition of paid canvassing, 6488.

Expenditure of about 3,500 *l.* on the Liberal side at the Mid-Cheshire election in respect of one candidate, the expense on the other side having been about double, 6489–6491——Exception in the case of Congleton of voters having expected a bribe, 6492, 6493——Statement relative to the tumult at some of the meetings in the towns; riotous mob at Sandbach on the Conservative side, 6502–6514——Occurrence of treating on both sides, 6517, 6518——Desire among the tenant farmers for the ballot; its advantage as causing them to take a greater interest in politics, 6535–6540.

LEEDS

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections*:

There are twelve wards in the borough of Leeds, there being sixty-four councillors, including aldermen, *Addyman* 1380. 1382——Total of about 40,000 municipal and Parliamentary voters, *ib.* 1381——Election of one-third of the council every year, one-half the aldermen being elected every three years, *ib.* 1383——Statement relative to the prevalence of bribery and treating, and to some extent of intimidation, at the municipal elections, *ib.* 1384 *et seq.*

Proceedings taken against a member of the council in 1865 for bribery, when he was convicted in a penalty of 40 *s.*, but was not thereby disqualified from sitting in the council, *Addyman* 1391–1394. 1404——Inquiry made in 1866, when much evidence was procured as to the prevalence of bribery and treating; threat of legal proceedings, which prevented this evidence being published, or being laid before Parliament, *ib.* 1395–1402——

Very

Report, 1869—*continued.*

LEEDS—continued.

1. *Municipal Elections*—continued.

Very heavy expense incurred (about 200 *l.*) in obtaining the conviction against a member of the council, so that the case was not further followed up through fear of the expense, *Addyman* 1403-1406. 1411-1417. 1450-1465. 1477-1479——Strong feeling at Leeds in favour of an effectual check upon corrupt practices; in some of the wards this feeling does not prevail, *ib.* 1431-1438. 1450-1456.

Instances of prosecutions for personation at the municipal or poor law elections, *Addyman* 1439-1441——Belief as to the bribery at the last municipal election not having had any reference to the Parliamentary election, *ib.* 1469, 1470. 1491, 1492——There is no extensive intimidation, though there is some pressure at times, *ib.* 1473, 1474——Extent to which politics enter into the municipal contests, *ib.* 1480-1490——Great variation in the amount paid in bribes at the municipal elections, *ib.* 1531-1534.

Explanation as to the heavy cost incurred in some county court prosecutions at Leeds in 1865, for bribery at the municipal elections, *Gaunt* 1550-1553——Apprehension of increased expense which prevented the following up of these prosecutions, in order to disqualify a member of the council convicted of bribery, *ib.* 1554-1559——Increase of corruption in some of the wards in Leeds as regards the municipal elections, *ib.* 1568——Explanation as to the corrupt character of the municipal elections, whilst the Parliamentary elections are pure, *ib.* 1570-1574——Less demand for the ballot in those wards where the electors are of the superior and educated classes, *ib.* 1575-1581——Prevalence of bribery at the municipal elections chiefly when the contests are close, and at a late period of the day, *ib.* 1594-1597.

2. *Parliamentary Elections:*

Freedom from bribery at the Parliamentary elections, *Addyman* 1491——Growing feeling in Leeds, on the part of Conservatives as well as Liberals, in favour of the ballot, *Addyman* 1502-1504; *Gaunt* 1582-1587——Orderly character generally of the Parliamentary nominations, *Addyman* 1508-1516.

Instance formerly of a serious riot at a nomination for the borough, *Gaunt* 1560——Pure character of the last Parliamentary election, *ib.* 1569——Peaceable conduct of the last Parliamentary election, *ib.* 1590.

Legal Proceedings. See *Bribery. Criminal Prosecutions. Leeds*, 1. *Municipal Elections*, 1. *Penalties. Personation. Petitions. Public Prosecutor.*

Lichfield. Certificate and report by Mr. Justice Willes in the matter of the Lichfield election petition, *App.* 571, 572.

LIMERICK CITY:

I. *Municipal Elections.*

II. *Parliamentary Elections:*

1. Employment of Mobs, and consequent Disturbances and Riots.
2. Influence exercised by the Roman Catholic Clergy.
3. Influence exercised by the Landlords.
4. Question as to the Existence of Bribery and Treating.
5. Polling Places.
6. Particulars in connection with the last Election.
7. Question of the Ballot.
8. Other Details generally.

I. *Municipal Elections:*

Satisfactory conduct of the Limerick municipal elections previously to the general election in November 1865, *Murphy* 5254, 5255. 5385, 5386——Excitement and intimidation at the election of 1865; belief that bribery also was practised, whilst there were plenty of drunken mobs, *ib.* 5256-5268——Higher qualification for the municipal franchise in Limerick than for the Parliamentary franchise; much larger number of Parliamentary electors, *ib.* 5278-5280. 5382, 5383——Part taken by the priests in the municipal elections, *ib.* 5495, 5496.

Confirmation of Mr. Murphy's evidence as to the occurrence of riots and bribery at the Limerick municipal election of 1865; serious damage done to houses, *Raleigh* 5553-5568. 5596-5599——Exceptional circumstances which caused the excitement at the election in 1865, *ib.* 5575-5577. 5611-5613.

Instances of objectionable conduct of the Limerick municipal elections, more especially in the way of intimidation, *Ellard* 7192-7194. 7210-7214——Instance of disorder at a municipal election; doubt, however, as to any pressing necessity for the ballot at municipal elections, *Right Rev. G. Butler* 11671-11679.

Report, 1869—*continued.*

LIMERICK CITY—continued.

II. *Parliamentary Elections:*

1. Employment of Mobs, and consequent Disturbances and Riots:

Universal practice of employing hired mobs on each side chiefy on the nomination day; frequent riots and disturbances in consequence, *Murphy* 5287. 5290–5307. 5327 5348. 5393, 5394. 5413–5430. 5457–5471——Employment of the mobs for the purpose of accompanying the canvassing party, and for cheering and shouting, so as to give prestige and popularity to the candidate, *ib.* 5295, 5296. 5328. 5335. 5433——Statement that on the polling day in Limerick the mobs are quiet, and that voters may go to the poll without obstruction; this was so at the last election, *ib.* 5300, 5301. 5387–5392. 5400–5402. 5424–5430. 5502——Effect of mob intimidation as regards Roman Catholic shopkeepers and voters who are suspected to vote on the Conservative side, *ib.* 5302. 5306, 5307——Payment of the mobs at the rate of 2 *s.* 6 *d.* per man per day, no voters being included, *ib.* 5327. 5457–5471.

Further statement as to the use of mobs being recognised, and as to disturbances and assaults being the general result; explanation hereon as to the action of the magistrates in the matter, *Murphy* 5328–5348. 5393——Expediency of something being done to put down the mobs and riots; difficulty of effectually preventing the evil by means of the military and police, *ib.* 5370, 5371. 5393, 5394. 5502–5512.

Details relative to the employment of hired mobs at the Parliamentary elections; expediency of a suppression of the evil, *Raleigh* 5569, 5570. 5573. 5578–5582. 5614 *et seq.*——Action of the mobs in intimidating the voters and in damaging their houses, *ib.* 5580–5582. 5592–5595. 5642–5651——Particulars relative to the hiring of the mobs, the men employed being generally without character, *ib.* 5614–5624.

Great violence at the election in 1837, when Mr. Monsell was the Conservative candidate, *Spaight* 6820–6824——Dreadful violence also at the election in 1852, the supporters of Mr. Russell having been in great danger, and the houses of many of them having been wrecked by the mob, *ib.* 6825–6827——Attacks made upon well-known Conservatives, as well as upon Roman Catholic voters who do not support the Liberal side, *ib.* 6873–6876.

Practice of wrecking Conservatives' houses as a means of intimidation, *Spaight* 6863–6868. 7120–7125——Necessary precautions taken by witness at election times, in order to prevent his house being wrecked; statement as to its having been wrecked in 1865 in the presence of the military, *ib.* 6874. 7055–7062——Further statement as to the inaccuracy of Mr. Murphy's evidence, that intimidation by mobs does not prevail on the polling day, *ib.* 6897–6905. 7120–7125——Employment of mobs on both sides for canvassing; practice in this respect at the last election, *ib.* 6913–6923. 6941–6949.

Considerable influence exercised at the elections by the mobs; frequent instances of violence and intimidation on their part, *Ellard* 7142–7146. 7157. 7183–7191. 7221–7233——Confirmation of Mr. Spaight's evidence as to the attack upon his house at a former election, *ib.* 7144. 7274——Very great violence at Mr. Russell's election in 1852, *ib.* 7145. 7186–7191. 7233.

Very exaggerated character of a statement by Mr. Spaight as to the injury done to his house at the election in 1865, *Right Rev. G. Butler* 11503–11505——Occasional disorder at the elections through the meeting of opposing canvassing parties, *ib.* 11663–11665.

2. Influence exercised by the Roman Catholic Clergy:

Very active part taken by the priests in the elections; witness is not aware, however, of any political addresses delivered in the chapels, *Murphy* 5411, 5412——Denial that the Roman Catholic Bishop of Limerick, was present in the polling booths at the last election, *ib.* 5492–5494.

Statement as to the priests not having actively interfered to prevent the employment of mobs, *Raleigh* 5625–5641.

Evidence in detail relative to the extremely active part taken in the Limerick elections by the Roman Catholic secular clergy or parish priests; great intimidation exercised by them, *Spaight* 6843–6846. 6876, 6877. 6885–6896. 6985 *et seq*——Influence used by the priests in order that Sunday shall intervene between the day of nomination and of polling, *ib.* 6847–6849——Practice of the priests as to addressing the people outside the chapels, *ib.* 6864.

Grounds for the statement that the priests have been active, not only in the organization of mobs, but in the distribution of whisky to them, *Spaight* 6886–6895. 6985–6992 —— Very active part taken by the Roman Catholic Bishop of Limerick, in the last election on the polling-day, *ib.* 6896——Active part taken by the priests in the polling-booths as agents, landlords or their agents not exercising any similar influence, *ib.* 6999–7002. 7063–7074. 7096–7105. 7111, 7112——Conclusion as to the poorer class of voters in the city voting generally as the priests wish, *ib.* 7003–7014. 7040.

Great

LIMERICK CITY—continued.

II. *Parliamentary Elections*—continued.

2. Influence exercised by the Roman Catholic Clergy—*continued.*

Great influence exercised by the Roman Catholic clergy at the elections, *Ellard* 7158, 7159. 7175-7179. 7234——Instance of unjustifiable language used towards witness by a priest at the last election; this would hardly have occurred under the ballot, *ib.* 7234-7236. 7262-7269——Anxiety of the Roman Catholic clergy for the intervention of Sunday between the nomination day and polling day; objection to this arrangement, *ib.* 7273-7275.

Inaccuracy of a statement by Mr. Spaight, that witness took an active part in the last election, *Right Rev. G. Butler* 11491-11498. 11558-11564. 11567-11569. 11701, 11702——Explanation as to the Roman Catholic priests sometimes recommending refreshments to be given to the people; denial that they commit abuse in the way of dispensing drink, *ib.* 11511-11514——Doubt as to the part taken by the priests in the polling-booths at the last Limerick election, *ib.* 11565, 11566.

Examination relative to some orders for drink given by priests at the Limerick election of 1865; question considered whether this practice should not meet with witness's disapproval, *Right Rev. G. Butler* 11570-11582——Strict prohibition upon altar denunciations in Limerick diocese, *ib.* 11586. 11696.

3. Influence exercised by the Landlords:

Practice of the landlords and their agents to bring the tenants into Limerick the night before the polling and to keep them in houses and stores, whence they go to the poll in batches, *Murphy* 5442, 5443——Instances of voters having complained of coercion by their landlords, *Raleigh* 5571, 5572.

Practice of the landlords and their agents to accompany the tenants, escorts being necessary to protect them from the mobs, *Spaight* 6869-6872——Practice of bringing in the country voters the night before the polling, in order to avoid intimidation, *ib.* 6898-6905——Question as to the side on which those voters would poll who are brought in from the country districts by their landlords, if they were entirely uncontrolled; belief that very many of them would not vote at all, *ib.* 7080-7088. 7113-7117——Influence exercised in the rural districts by the landlords and their agents; very little of this influence in Limerick city, *Ellard* 7160. 7237.

4. Question as to the Existence of Bribery and Treating:

Very little bribery at the Parliamentary elections for Limerick, *Murphy*, 5285——General practice of treating non-electors; influence produced thereby upon the publicans, *ib.* 5286. 5288, 5289.

Circumstance of Mr. Murphy having been conducting agent for Mr. Bell, when Major Gavin was unseated for bribery, *Spaight* 6850.

5. Polling Places:

Ample facilities at Limerick in regard to polling places, *Murphy* 5435——Opinion as to the sufficiency of the number of polling places in Limerick, *Right Rev. G. Butler* 11704-11709.

6. Particulars in connection with the last Election:

Combination between the Conservatives and the Fenians at the last election for Limerick; employment of a paid mob on this side, as well as of an unpaid Fenian mob, *Murphy* 5292-5300. 5349-5353. 5368, 5369. 5488-5490. 5514, 5515. 5532-5539——Very little interference of the landlords at the last election, *ib.* 5366, 5367. 5520——Circumstance of many Roman Catholics in Limerick having voted against the wishes of the priests, *ib.* 5379-5382——Small number polled by Mr. Pigott, *ib.* 5403——Punishment of some of the rioters at the election; difficulty of a more rigid enforcement of the law in this election, *ib.* 5436-5440.

Interest taken by the Protestant clergy in the last Parliamentary election for Limerick city, though they were not active in the matter, *Murphy* 5513——Minority of seventy-four between Sir Peter Tait and the lowest Liberal candidate, about 200 Roman Catholics having voted for the former, *ib.* 5514, 5515——Explanation as to neither Mr. Pigott nor Sir Peter Tait having issued addresses; they acted, however, in combination, *ib.* 5530. 5532-5539. 5543-5545——Failure of the petition against the return of the Liberal Members, *ib.* 5531.

Circumstance of Sir Peter Tait not having regularly come forward as a candidate, *Raleigh* 5608-5611——Information relative to the extent of injury and violence committed by the mob at the last election on the polling day, or after the election was over, *ib.* 5642-5651. 5654-5657.

Examination to the effect that at the last election there was no coalition between Sir Peter Tait and Mr. Pigott, and the Conservative party did not support the latter, *Spaight* 6851-6862——Statement that Sir Peter Tait was not put forward by the Conservative party, and did not issue an address, *ib.* 6860-6862. 6924-6929. 7136, 7137——Great intimidation of Sir Peter Tait's supporters on the election day; the town was, however, quiet up to about one o'clock, *ib.* 6863-6868. 7120-7125——Failure of the petition against the

Report, 1869—*continued.*

LIMERICK CITY—continued.

II. *Parliamentary Elections*—continued.

6. Particulars in connection with the last Election—*continued.*

return for Limerick at the last election, *Spaight* 7033–7036——Instances of intimidation in connection with the petition, *ib.* 7108–7110.

Particulars relative to the petition consequent upon the last election; explanation as to intimidation not having been charged, *Ellard* 7146–7151. 7247–7256——Statement as to witness having been conducting agent for Sir Peter Tait and Mr. Pigott, *ib.* 7151–7156. 7227–7230——Reference to the hiring of mobs at the last election; denial that there was any mob on Sir Peter Tait's side, *ib.* 7161. 7255, 7256——Statement as to Sir Peter Tait not having been brought forward or supported by the Conservatives as a body; explanation as to his having issued no address, and having been put forward unexpectedly, *ib.* 7162–7174. 7203–7208——Circumstance of Archdeacon Gould's tenants not having voted at all, *ib.* 7162. 7239–7244.

Support given by the Conservatives to Mr. Pigott, *Right Rev. G. Butler* 11499–11502——Employment of rival mobs at the election, a Tory mob having first appeared on the nomination day, *ib.* 11506–11510.

Certificate and report by Mr. Justice Fitzgerald in the matter of the petition against the return of Messrs. Gavin and Russell, *App.* 586.

7. Question of the Ballot:

Concurrence in the opinion that the ballot would be an immense advantage at the Limerick elections, *Murphy* 5314 *et seq.*; *Ellard* 7180 *et seq.*; *Right Rev. G. Butler* 11521–11554. 11647–11658.

Grounds for the conclusion that the ballot would not prevent priestly influence and intimidation at Limerick, *Spaight* 6881–6885. 6906–6912. 6950–6954. 7015–7025. 7076–7089.

8. Other Details generally:

Employment of military and police at the elections, *Murphy* 5337. 5387, 5388. 5503–5512. 5529——Absence of paid canvassing at Limerick, *ib.* 5449. 5457.

Return of Major Gavin at the election in 1858, he having been subsequently unseated on petition, and witness having come forward and been elected, *Spaight* 6828–6834——Defeat of witness at the election in 1859, owing to the intimidation and violence which prevailed; failure, however, of the petition promoted by him on these grounds, *ib.* 6835–6839. 7026–7030——Further contest of the city by witness in 1865, when he was again defeated, owing to the violence displayed towards the Conservative side; reason for his not petitioning on this occasion, *ib.* 6840–6842. 7031, 7032.

Circulation by the Liberals of an Orange placard at the election of 1865, in order to create religious hatred, *Spaight* 6878–6880——As a rule, politics are connected with religion in Limerick, *ib.* 7007, 7008. 7117——Large proportion of the constituency who are Roman Catholics, *ib.* 7037–7040——Information relative to the steps taken by the authorities for the prevention of violence, military and police being constantly employed, *ib.* 7041–7058.

Limerick County. Statement as to there having been no contest for Limerick county on the last occasion; circumstance of one of the Members being brother to a Roman Catholic clergyman, *Murphy* 5527, 5528. 5548–5552.

LIVERPOOL:

1. *Municipal Elections.*
2. *Parliamentary Elections.*
3. *Local feeling on the Question of the Ballot.*

1. *Municipal Elections:*

Total of 1,640 Parliamentary voters, and of 553 municipal voters in St. Anne's ward at Liverpool, these consisting chiefly of the working classes, *Trippier* 1604, 1605——Particulars relative to the bribery practised at the municipal elections for the ward, the Liberal party having, since 1865, abstained from all illegal expenditure, though the practice is still maintained by the Conservatives, *ib.* 1606–1639. 1673–1679. 1686–1690. 1740–1752. 1787. 1851–1856. 1868–1891——Conclusion as to the money paid for municipal votes having, in several instances, secured the Parliamentary vote also, *ib.* 1640–1646.

Very limited extent to which any effort has been made to put a stop to bribery at the municipal elections; fear of expense which prevents legal proceedings being taken, *Trippier* 1647–1655. 1680–1689. 1733–1739. 1788–1803. 1819–1821. 1896——Conclusion as to intimidation and undue influence being largely resorted to both at the municipal and Parliamentary elections, *ib.* 1662–1671. 1700, 1701. 1822–1824——Decision of the municipal contests with direct reference to the political views of the candidates, *ib.* 1693–1697——

LIVERPOOL—continued.

1. *Municipal Elections*—continued.

1697——Better class of persons on the municipal register than of the Parliamentary register since the extension of the latter, *Trippier* 1704–1706.

Combination of some municipal voters, in order to make their votes more valuable; practice as to the payment of these, *Trippier* 1740–1743. 1868–1878. 1884–1891——Much more pure state of some of the wards at Liverpool than of St. Anne's ward, *ib.* 1788, 1789. 1862–1867. 1922–1924——Open way in which bribery has been practised at the municipal elections, there being a general belief that there is no punishment for it, *ib.* 1815–1818.

Details as to the great prevalence of bribery and treating at the municipal elections for the Toxteth North and South wards, on the part both of Liberals and Conservatives *Johnson* 1938 *et seq.*——Particulars as to the bribery by the Conservatives at the municipal elections in November 1868, whilst there was no bribery on the part of the Liberals, witness having been chairman of the Liberal committee of his ward, *ib.* 1960–1972. 2021. 2023——Proceedings taken for the punishment of one of those guilty of bribery; great expense incurred, a verdict having been obtained with costs, *ib.* 1973–1980. 2033–2038. 2146–2151——Contemplated proceedings against the assessor, at the polling booth, for bribery; circumstance of his having been recently elected as overseer, *ib.* 1980. 1985–1991——Obstacles at the polling-booths from the crowd, whilst there was much drunkenness, *ib.* 1992–1994.

Decided effect of the bribery at the municipal elections at Liverpool upon the voting at the Parliamentary elections, *Johnson* 1995–1998. 2071–2078——Low class of persons who receive bribes at the municipal elections; very similar class of persons on the Parliamentary register, *ib.* 2027–2032. 2160–2168——Information on the subject of the revision of the list of municipal electors at Liverpool, *ib.* 2041–2052. 2126–2142——Corrupt practices in some of the other wards in Liverpool as well as in Toxteth wards, *ib.* 2064–2068.

Large majority of the successful candidates in the Toxteth wards both at the municipal and Parliamentary elections, *Johnson* 2071–2078——Conveyance of voters to the poll at the last municipal election, but not at the Parliamentary election, *ib.* 2114–2117. 2143–2145——Reference to the bribery at the municipal election of 1857 as having been practised on both sides, whereas no prosecutions followed, *ib.* 2118–2125——Further statement on the subject of the existence of bribery at the municipal elections, but not at the last Parliamentary elections; that is, with reference to the character of the constituency in each case, *ib.* 2160–2170.

Prevalence of corrupt practices at the municipal elections in some of the wards, *Forwood* 3346–3352——Limited increase of drunkenness in the town at the municipal elections in 1867 and 1868, *ib.* 3353–3356——Inaccuracy of some evidence as to bribery on the Conservative side at the last municipal election, *ib.* 3357–3359——Distinct conduct of the municipal and Parliamentary elections in 1868, the former not having influenced the latter, *ib.* 3358–3364——Personal character of the bribery at the municipal elections, party having nothing to do with it, *ib.* 3424. 3435.

Witness submits that certain statements of Mr. Johnson to the Committee relative to treating and bribery on the part of the Conservatives at the Liverpool municipal elections, are entirely untrue, *Hughes* 4854–4866——Entire inaccuracy of the evidence of Mr. Johnson with respect to the election and conduct of witness as assessor for his ward on the Conservative side, *ib.* 4857, 4858. 4867–4872——Explanation as to witness not acting as overseer, though recommended to the magistrates for the purpose, *ib.* 4873–4875——Particulars relative to the functions and mode of action of witness as one of the assessors for his ward at the municipal elections: nomination or election of one assessor on each side, who acts with the alderman, *ib.* 4877–4893. 4910–4935——Positive denial of certain charges with reference to the conduct of witness at the elections; he has never been proceeded against for bribery, &c., *ib.* 4984–4909.

2. *Parliamentary Elections:*

Doubt as to there having been any bribery at the last Parliamentary election, though drink was given freely, *Trippier* 1698, 1699. 1816. 1825–1832——Belief that there was no arrangement about the payment of voters' rates in connection with the Parliamentary election, *ib.* 1707–1713——Belief that there was no bribery at the last Parliamentary election, but there was much intimidation; instance of this on the part of the Conservatives, *Johnson* 1997. 2010–2026——Advantage of an increased number of polling-places at the elections, *ib.* 2084–2088——Very little treating at the last Parliamentary election, *ib.* 2089.

Amount of expenditure on each side at the last Parliamentary election for Liverpool: grounds for the conclusion that no corrupt practices were resorted to by either party, *Forwood* 3307 *et seq.*; 3425–3434——Steps taken by the Conservative party to prevent corrupt practices on their side, *ib.* 3324——Belief that there was no intimidation by employers, *ib.* 3326–3330.

Report, 1869—*continued.*

LIVERPOOL—continued.

2. *Parliamentary Elections*—continued.

Very little drunkenness in the town on the polling day: inaccuracy of former witnesses on this point, *Forwood* 3331-3333. 3383. 3505-3508——Pressure in the case of Roman Catholic voters, *ib.* 3334, 3335——Denial by the Conservative Working Men's Association of some evidence given to the Committee by Messrs. Trippier and Johnson; explanation hereon, *ib.* 3382. 3477-3485. 3502-3515——Illustration of the want of a public prosecutor, *ib.* 3396-3401——Inaccurate returns rendered of the expense of the last Parliamentary election, *ib.* 3466-3470. 3499-3501.

3. *Local feeling on the Question of the Ballot:*

Growing feeling in the town in favour of the ballot: grounds for this statement, *Trippier* 1702, 1703. 1841-1850. 1857——Statement as to Mr. Massey, though a supporter of the ballot, having been defeated at the last Parliamentary election, *ib.* 1844-1850. 1857. 1892-1894. 1925-1927——Statement that in consequence of the intimidation and other corrupt practices at the Liverpool elections, witness has at length come to the conclusion that the ballot is essential, many local Conservatives being of the same opinion, *Johnson* 2009-2017. 2062, 2063. 2069, 2070.

Resolutions recently adopted by the Liverpool Conservative Working Men's Association in favour of open voting, *Forwood* 3378-3382.

Lodger Franchise. Almost inoperative effect at Cheltenham of the Act conferring the lodger franchise, on account of the compulsory attendance at the revising court: improvement if claims were admitted, subject to objection, as for the county franchise, *Davies* 3827.

Londonderry. Certificate and report by Mr. Justice O'Brien in the matter of the petition against the return of Serjeant Dowse, *App.* 586, 587.

Lothian, Marquis of. See *Roxburghshire.*

M.

M'Dermot, Rev. John. (Analysis of his Evidence.)—Is a Roman Catholic priest in the county of Sligo; took an active interest on the Liberal side at the last election, 8495-8498——Great intimidation practised by Conservative landlords at the election; several instances cited, 8500-8511——Circumstance of Mr. O'Conor (the Liberal candidate) and witness having advised several tenants to vote on the Conservative side in order to escape subsequent punishment by their landlords, 8504. 8510, 8511.

Popular intimidation of voters at the Sligo election, with a view to their not yielding to landlord coercion, 8512-8514. 8650——Instances of tenants having privately asked for threats, in order to justify them to their landlords for voting against their wishes, 8515-8521——Very bad effect produced by the extensive employment of the military and police in escorting unwilling voters to the poll: belief of the people that Government intimidation as well as landlord coercion was intended, 8522, *et seq.*; 8640, 8641. 8716, 8717.

Statement as to escorts having been asked for and granted several days before the election, 8523-8531. 8547. 8654-8658——Particulars relative to an escort which went to Ballymote six days before the election, without succeeding in getting a single voter to accompany them, 8530-8546. 8633-8641——Reference to an escort three days before the election which took the voters a circuitous route for the purpose of display, 8547-8551.

Total of twenty-four escorts sent out during the election; very few voters who submitted to be escorted, 8555-8562——Instances of five escorts sent out without sworn information; application or requisition necessary in these cases as in others, 8557. 8631, 8632——Objectionable character of the informations on which some escorts were provided, 8563-8573.

Evidence in explanation and justification of the active part taken by witness and the Roman Catholic clergy on the Liberal side, 8576-8590. 8611-8615. 8659-8674. 8691-8710——Opinion that the issue of the general election in Ireland was peace or rebellion, 8577. 8618-8621——Belief as to the great spread of Fenian projects if the priests kept aloof from political subjects, 8577-8579——Offer made by witness to the landlords that both priests and landlords should abstain from influencing the election, 8582. 8716.——Little if any influence of the priests at elections if they went counter to the opinions of the people, 8583-8590.

Opinion that the ballot can alone secure freedom of voting in Ireland; that is if perfect secrecy be secured, 8591-8594. 8603. 8609, 8610——Inaccuracy of the view that priestly influence would be increased by the ballot, 8593——Fear of public opinion, and not

M'Dermot, Rev. John. (Analysis of his Evidence)—*continued.*

not the influence of the priests, which neutralises the action of the landlords, 8593, 8594 —— Statement that in the confessional voters would not declare how they had voted, whilst if the priest obtained such knowledge in the confessional he would be debarred from divulging it, 8595–8602. 8685–8690.

Decided objection to a system of voting papers, as placing the tenant's vote entirely at the mercy of the landlord, 8604–8608 —— Extent to which it may be said that Roman Catholicism in Ireland is identified with Liberalism, 8616–8618. 8651–8653. 8675–8684 —— Belief as to the Government officials in Sligo having had intimidation in view in the employment of military escorts, 8622, 8623. 8640, 8641——Comment upon the partial conduct of one of the stipendiary magistrates at the election, 8624–8627. 8722, 8723.

Failure of the escort system, witness, for one, impressing upon the people that they need not accompany the escorts, 8642–8649 ——Rare instances of landlord intimidation having been followed up by eviction, 8711, 8712. 8719, 8720 —— Doubt as to any tenants intimating to their landlords that there had better be some show of coercion, else they should be constrained to vote on the other side, 8713, 8714.

Effect of the ballot in preventing all intimidation, 8713——Belief that the ballot would not increase the Liberal ranks, *ib.*——Probability of escorts having been demanded by the landlords through the tenants stating that they were afraid to go to the poll on the Conservative side, 8715–8718——Good landlords in Sligo as a rule, witness complaining of the system of intimidation, and not of individual coercion, 8719–8721.

M'Gowan, James H. (Analysis of his Evidence.)—Solicitor at Dumfries; acted as election agent at the November 1868 election for the Dumfries burghs, and also acted for Sir Sydney Waterlow at his second contest for the county, 5965, 5966——Submits sundry details as showing that in the second Dumfries-shire contest there was a very extensive pressure put upon tenants by their landlords to vote for the Conservative candidate, 5967–5988. 6014 *et seq.* — At the first election Sir S. Waterlow was in a majority of forty-four, and at the second in a minority of thirty-six, 5970——A careful analysis of the votes was made by witness, and a careful personal inquiry conducted, as the result of which he cites several cases in illustration of the intimidation and undue influence by the landlords or their factors, 5970–5988. 6014 *et seq.*

Explanation as to a petition not having been presented against Major Walker's return for Dumfries-shire, notwithstanding that witness submits there was ample evidence of undue influence; difficulty chiefly as to agency, 5972–5974. 6078–6090. 6196, 6197 ——Particulars relative to two cases in which tenants suffered by loss of their holdings through having voted for Sir Sydney Waterlow; examination as to the outgoing and incoming rent in each case, 5978–5980. 6046–6048. 6101–6110——Active interest taken in the county election by the clergy on both sides; opinion as to the legitimate character of such influence, 5987. 6049–6054. 6121.

Information relative to the elections for the Dumfries burghs, and the prevalence of treating formerly; great improvement in this respect at the last election, 5989–5998—— Suggested prohibition upon committees meeting in public-houses in burghs, 5999—— Great benefit if the public-houses were closed on the days of nomination and poling, 5999, 6000——Absence of bribery either in the burghs or county of Dumfries, 6001 ——Considerable intimidation in one of the burghs at the last election, 6002–6005—— Numerous paid agents on one side at the election, 6006, 6007 ——Great abuse in the burgh of Dumfries in connection with the licensing system, with reference to the election, 6008–6013.

Very general support given in Dumfries-shire, after the county election in 1869, to a petition in favour of the ballot, the signatures including many Conservative voters, 6021–6023. 6034. 6055–6057. 6117–6120. 6187–6193——Notoriety in the county of the undue influence exercised by the landlords, the latter, however, justifying their action in the matter, 6033–6040 ——Strong political feelings of the tenants which induced them to go against their landlords, 6041–6043.

Great value attached to the ballot, though at the same time something should be done to prevent or diminish paid canvassing, 6058–6060. 6072–6074——Objectionable employment of a large number of bank agents and lawyers at the Dumfries-shire election on the Conservative side, 6059. 6154–6164——Absence of paid canvassing on witness's side at the burgh election, witness, as agent, having accompanied the candidate on his canvass, 6060–6070.

System of treating on both sides in Dumfries-shire till the last general election, 6075–6077——Belief that numerous cases of intimidation did not come to witness's knowledge at all, 6097. 6194, 6195——Much larger number of paid agents on the Conservative side than on the Liberal side at the county election; expenses of each side adverted to hereon, 6122–6126. 6154–6164——Conclusion as to the undue influence of the landlords having been the sole cause of the defeat of Sir Sidney Waterlow at the last election, 6127–6131.

Belief, as the result of witness's investigation relative to the county voters, that there were only two tenants who could be evicted as not having leases, 6132–6153——Opinion

Report, 1869—*continued.*

M'Gowan, James H. (Analysis of his Evidence)—*continued.*

that on the Liberal side there was no undue influence, though there might have been influence exercised upon tradesmen by their customers, 6168–6177——Probability of the absence of bribery in Scotland being owing to the better education and better religious influence than in England, 6178–6183——General apprehension and intimidation caused by a few cases of eviction, 6184, 6185.

M'Murdo, Major General Montagu, C. B. (Analysis of his Evidence.)—Is commander of the Infantry Brigade in Dublin; is conversant with the system of employment of troops at elections in Ireland, 7507–7509 — Submits that the wholesale employment of troops at the elections, more especially as escorts for rural voters, is extremely objectionable, and prevents all freedom of election, 7510 *et seq.*——The great majority of the tenant voters go with the escorts against their own inclinations, in order to vote according to the wishes of the landlords; frequent instances of this, 7510–7515. 7575–7596. 7676, 7677. 7758.

Conclusion as to the majority of the tenants being unduly influenced by the landlords, the result being that a counteracting influence is exercised by the Roman Catholic clergy; preference for the latter influence as compared with the former, 7515. 7554, 7555. 7589–7596. 7635. 7650–7652. 7688–7699. 7779, 7780——Statement to the effect that the military officers regard the voters under escort in the light of prisoners; instructions issued by witness adverted to hereon, 7516–7522. 7653–7668.

Proposition that two-thirds of the troops employed at Irish elections should be armed with sticks or truncheons, instead of with deadly weapons which they dare not use; one-third of each contingent should be fully armed and kept in reserve, 7521. 7524–7528. 7541, 7542. 7562–7564. 7623–7625. 7670. 7709–7726 ——Strong disapproval of the present system of employing the military fully armed for the suppression of election riots; memorandum prepared by witness on this question, consequently upon the Drogheda riots, 7524–7529. 7537. 7539–7568——State of military occupation of the country at the last elections, involving great expense, 7530–7533. 7556–7558 ——Directions received by witness from Lord Strathnairn, as to military escorts at the Dublin county election; consultation also of Sir Thomas Larcom on the subject, 7534, 7535.

Evidence strongly in favour of the ballot in Ireland as the most effectual means of preventing undue influence, and as tending to obviate the necessity for escorts, 7537, 7538. 7553. 7565–7571. 7576–7579. 7621, 7622——Importance attached to an increase in the number of polling places for the counties; great evil at present through the long distances which many voters have to travel, 7538. 7553. 7559–7561. 7636–7648. 7679–7686.

Explanation of the practice in regard to requisitions for escorts; action in this respect of the landlords as resident or local magistrates, 7543–7547. 7572–7575. 7599. 7618. 7733–7757. 7788–7791——Inordinate force of military and police sent to Balbriggan at the last election for the county of Dublin, no occasion having arisen for the use of so large a force, 7545–7550——Effect of the presence of the military in inducing riots, 7550. 7649. 7724. 7727–7730——Very long period for which it has been the practice of successive Governments to employ the military at the elections, 7551, 7552.

Question considered whether, under the ballot, military escorts would not still be required; objection, in any case, to such escorts, save as citizens or special constables, not armed with deadly weapons, 7565–7571. 7576 *et seq.*——Very large constabulary force available for use at the elections, 7566. 7626, 7627——General feeling of army officers in disapproval of the present system of military escorts in Ireland, 7584. 7759–7761. 7782–7787.

Probability of many voters not polling at all, if not escorted by military convoys, 7589–7617——Belief as to the military being usually asked for by the Conservative landlords, 7618——Doubt as to the priests ever interfering to prevent mob influence, 7625–7635—— Question considered whether, notwithstanding the alleged landlord influence, Liberal representatives have not been very generally returned, 7688–7699—— Statement to the effect that where employed in large bodies at elections, the constabulary should not be armed with deadly weapons, 7762–7772——Less political interference of the priests if the ballot were in force, 7781.

MANCHESTER (TEST BALLOT):

Use of a polling card similar to that in France, at the test ballot in Manchester, *Sir C. W. Dilke* 10146 —Practice as to the signing of the voting paper by the voter, *ib.* 10148——Exceedingly few bad or lost votes at the Manchester ballot, from one-half to two-thirds of the constituency having voted, *ib.* 10251–10255.

Object of the test ballot to decide whether Mr. Milner Gibson or Mr. Ernest Jones should be selected as the Liberal candidate in the event of a vacancy, *Taylor* 12102—— Excitement in the public mind as to the result of the test, whereas the ballot itself was conducted with perfect order and regularity, *ib.* 12103–12106. 12186–12192——Adoption at Manchester of the plan of ballot in use in Victoria, *ib.* 12107——Use of a die for

Report, 1869—*continued.*

MANCHESTER (*TEST BALLOT*)—continued.

for stamping each voting card, as a check upon forged cards; other means available for preventing fraud in this respect, *Taylor* 12108. 12115. 12137, 12138. 12235–12240. 12266–12279.

Transmission of a voting paper, with a circular to each voter; description of such paper, *Taylor* 12109. 12141—— Presentation by the voter, when about to poll, of the circular and voting paper to the returning officer, from whom he received a voting card, *ib.* 12110–12112. 12136. 12141——Deposit of the voting card by the voter in an envelope, and then in the ballot box, after he had first marked off the name of the candidate for whom he did not vote, *ib.* 12113–12115——Object of the envelope to prevent the use of two cards in voting; opinion as to the use of perforated cards being preferable to this plan, *ib.* 12115. 12135. 12146. 12185. 12278——Prohibition upon any voter taking a voting card away from the polling-booth, *ib.* 12116.

Total of 32½ per cent. of the Liberal electors who abstained from voting; larger proportion of the lower class than of the more respectable class in this number, *Taylor* 12117–12122. 12156, 12157 — Very satisfactory result in accounting for the cards issued by the returning officer; rare instances of irregularity, *ib.* 12123——Great ease and rapidity of the polling as compared with the ordinary system; particulars on this point, *ib.* 12124–12129. 12205–12218——Deviation at Manchester from the Victoria plan as regards the numbering of the ballot papers; statement hereon as to there being no necessity for a scrutiny, *ib.* 12141–12143. 12251–12261.

Belief that the Manchester system would give universal satisfaction, *Taylor* 12144. 12179——Entire absence of objection to the working of the system on the part of the Conservatives, 12144. 12179——Error of Sir Charles Dilke in supposing that the voting papers, as distinguished from the voting cards, were signed by the electors; objections to this being done as a check upon personation, *ib.* 12145, 12146. 12219–12229.

Absence of difficulty at Manchester through some of the voters not being able to read or write, this difficulty having been obviated by printing the candidates' names in different colours, *Taylor* 12147–12155. 12180–12184. 12193–12199——Inference as to the exercise of undue influence at Manchester elections in the absence of the ballot, *ib.* 12232–12234——Large majority for Mr. Ernest Jones, whereas it was very generally expected that the majority would be the other way, *ib.* 12233.

Form of voting paper and of voting card used at the test ballot, *App.* 601, 602.

Martin, Sir Samuel, Knight. (Analysis of his Evidence.)—Has tried thirteen election petitions under the Corrupt Practices Act, 10512, 10513——Belief that in only two of these cases did bribery exist to any considerable extent, 10514, 10515. 10612. 10670, 10671 —— Success of the petitions in five cases out of the thirteen, 10516, 10517——Great amount of treating and public-house expenditure in several cases, 10518–10522. 10617——Statement that witness had no means of ascertaining the candidates' expenditure, beyond the amount officially returned, 10523, 10524.

Several grounds upon which an election may be voided; instance, at Beverley, of a void election in accordance with the principles of the common law, 10524. 10548, 10549. 10640—— Extensive bribery at Beverley, both for the municipal and Parliamentary elections, 10524. 10544–10547. 10639, 10640——Explanation as to there being certain illegal acts which involve penalties, but cannot be held as vitiating the election, 10524–10526. 10621–10628—— Instances of bribery at the Westminster election by a supporter of Mr. Smith; failure, however, of the attempt to prove that this person was an agent. 10527–10529——Excessive expenditure of Mr. Smith at this election; belief, however, that no illegal expenditure was intended by him, 10530–10534. 10542——Suggestion made by Mr Justice Willes whether there should not be an enactment that extravagant general expenditure should void the seat, 10535–10538. 10615.

Very few cases of undue influence charged before witness, all of them having failed, 10539–10541. 10602–10604—— Failure of an attempt to prove treating by Mr. Smith at the Westminster election, 10542——Belief as to the general desire of the candidates, in the cases that came before witness, not to incur corrupt expenditure, 10543——Explanatory statement as to the interpretation given by the judges to the law relative to agency; concurrence between them on this subject, 10550–10560.

Very general opinion expressed before witness in favour of the abolition of nominations; concurrence of witness in this recommendation, 10561–10565. 10642, 10643—— Great improvement if public-houses were closed on the polling day in boroughs, 10566–10570—— Information relative to a question in the case of the West Riding election, whether certain expenditure in refreshments for voters was corrupt expenditure; doubt whether this amounted to treating within the meaning of the Act, 10571–10586—— Opinion favourable to prohibiting the holding of committees at public-houses, 10587, 10588. 10616–10620. 10641——Suggestion also that paid canvassing might with advantage be forbidden, 10589–10591.

Report, 1869--*continued.*

Martin, Sir Samuel, Knight. (Analysis of his Evidence)—*continued.*

Facility experienced by witness in obtaining all required information from witnesses on the petitions, 10592—— Uselessness of attempting to enforce penalties through juries for breaches of the election law, 10593-10597——Question whether, as regards corrupt practices at municipal elections, the returned candidate should not be removable by a proceeding in the Court of Queen's Bench, 10598–10601——State of the law on the subject of undue influence or intimidation; doubt whether spiritual intimidation comes within the definition in the Act, 10605–10611.

Belief as to the salutary effect of the Corrupt Practices Act in deterring from bribery, 10612–10614——Doubt as to the expediency of enacting that certain illegal acts shall void the election, 10621-10625——Illegality of payment for the conveyance of voters to the poll; question of vitiating the election on this ground, 10625–10628——Conclusion that a voter found guilty of bribery, upon inquiry by petition, is not thereby disqualified by the franchise; approval of an alteration of the law in this respect, 10629-10632.

Opinion adverse to any greater immunity of candidates in respect of the acts of agents, 10635–10638——Objection to an abolition of the declaration of the poll, 10645, 10646 —— Doubt as to any insufficiency of polling places at borough elections in England, 10647, 10648——Statement to the effect that the judges do not consider themselves public prosecutors, 10649. 10652——Instance of bribery on a large scale at Norwich which witness was very desirous should be followed up, 10649-10651. 10687-10689 ——Particulars as to some votes at the Warrington election having been tendered to another person than the check clerk; precaution suggested on this point, 10653-10658.

Expected failure of criminal prosecutions for election offences, if the trials were to take place in London, 10659–10662—— Objection to any extensive exercise by the judge of his power to imprison for certain offences, 10663, 10664——Suggestion whether the seat should not be voided for a wilful keeping back of the accounts, 10665, 10666—— Undue payments made to agents at the Brecon election, 10672, 10673. 10676—— Inability of paid agents to vote; question considered as to the expediency of an increased check in this respect, 10673. 10703-10709——Excessive payment frequently made for committee rooms at public-houses; instance of this at Salford, though witness did not decide that such payment was bribery within the meaning of the Act, 10674, 10675. 10690-10699——Direct bribe proved in the case of Brecon, so that the seat was at once abandoned, 10676, 10677. 10697.

Doubt as to the expediency of prohibiting payments to attornies as agents, 10678–10680——Belief as to there being no abuse in connection with the withdrawal of petitions; necessary consent of the judge before withdrawal, 10681–10685——Opinion as to the entire inaccuracy of the view that the judges had by their decisions rendered the success of petitions unduly difficult, 10700-10702——Power of the electors to institute inquiry on the subject of corrupt practices, irrespectively of the question of unseating the sitting Member, 10712, 10713.

Maryport. Circumstances of the ballot having been in operation for several years in the town of Maryport for the election of the local board, and having given universal satisfaction, *Taylor* 12158–12165——Claim of the Maryport people that their plan is the original of the Australian plan, *ib.* 12160.

Merionethshire. Information relative to the Merionethshire elections of 1859 and 1865, showing that great intimidation was exercised by the Conservative landlords, and that in several instances tenants were evicted or had their rents raised as a consequence of not voting on the Tory side, *Rev. M. D. Jones,* 6549-6585. 6678–6685——Reduction of the rents of some tenants for voting on the Tory side in 1865, *ib.* 6576, 6577—— General rule of landlords in requiring their tenants to vote with them *ib.* 6586——Retirement of the Tory candidate at the election in 1868, the Liberal constituency having increased in number, and a strong feeling having arisen on the subject of the Irish Church, *ib.* 6587, 6588. 6600-6607. 6613–6618. 6660–6677.

Dread with which the farmers in Merionethshire regard an election; meeting about a year ago, at which they resolved to petition Parliament either to relieve them of the franchise or to give them the ballot, *Rev. M. D. Jones* 6589-6594. 6608-6612—— Instance of the sale of a chapel, because of the part taken by the clergyman in the elections, *ib.* 6595. 6770. 6775–6778.

Particulars relative to the quarrymen in Merionethshire, these being of a very independent character and being chiefly Liberals, *Rev. M. D. Jones* 6603, 6604. 6620–6626. 6663–6677. 6696. 6703–6707——Statement as to the landlords in the county being generally against the Liberal side; there are however several exceptions to this rule, *ib.* 6630–6632. 6686. 6729–6737——Desire among the voters for the ballot, *ib.* 6635, 6636.

Inaccuracy of the evidence of the Rev. Mr. Jones implying that intimidation was practised towards Sir Watkin Wynn's tenants in Merionethshire, and that evictions followed

Merionethshire—continued.

followed in the case of several who voted on the Liberal side in 1865, *W. Jones* 8460-8472——Denial that rents have been reduced by Sir Watkin Wynn as a result of support at the election, *ib.* 8470, 8471——Statement, as regards the sale of a certain chapel in Merionethshire, that this took place long before the election of 1859 and had nothing to do with it, *ib.* 8489-8491——Inability of witness to speak to the question of evictions by Sir Watkin Wynn after the election of 1859, *ib.* 8492–8494.

Mid Cheshire. Large majority of the farmers in Mid-Cheshire who are Dissenters, whilst the land is nearly all in the hands of Conservative landlords, *Latham*, 6414, 6415. 6526–6531——Numerous signatures of tenant farmers to a requisition to Mr. Warren, and numerous promises to vote for him, whereas nearly 400 of those who were pledged to support him afterwards voted on the Conservative side, *ib.* 6416–6418. 6439–6445. 6494–6498. 6532——Conclusion as to the tenantry having largely voted for the Conservative candidates, in order to please their landlords, and under coercion by them or their agents, *ib.* 6419 *et seq.*

Excess of Liberal votes polled in the towns beyond the pledges, *Latham* 6418. 6469–6472——Belief that there was no case of eviction of any tenant for his vote; instances however of threatened eviction, *ib.* 6419. 6429, 6430. 6515, 6516——Free permission given to the tenants on Mr. Lloyd's estate at Minshull to vote as they pleased, *ib.* 6420——Constraint in the case of the tenants on the Wheelock estate of Mr. Ackers, so that they broke their promise to vote for Mr. Warren, *ib.* 6421, 6422.

Explanation that the landed influence in the county is exercised at elections alike by Liberal landlords and by Conservative landlords, *Latham* 6432, 6433. 6454——Instance of Liberal tenants having voted on the Conservative side though assured that they should not suffer for voting according to their conscience, *ib.* 6435-6438——Majority for the Liberal candidates if the promises received had been fulfilled, *ib.* 6446–6450——Little interest taken by Cheshire farmers in politics, they being as a rule an uneducated class, *ib.* 6451-6453——Undue influence in respect of tradesmen's votes; instances of loss of custom through not voting on the Conservative side, *ib.* 6455. 6457-6460——Strong influence exercised by the clergy of the Established Church, *ib.* 6455-6458.

Reference to the action of Lord Egerton of Tatton and other landlords, in not facilitating the free voting of their tenants; different course pursued by the father of the Liberal candidate, *Latham* 6473-6480——Doubt as to the necessity of any further increase in the number of polling places in Mid-Cheshire, *ib.* 6485–6487——Expenditure of about 3,500*l.* on the Liberal side at the Mid-Cheshire election in respect of one candidate, the expense on the other side having been about double, *ib.* 6489-6491——Exception in the case of Congleton of voters having expected a bribe, *ib.* 6492, 6493——Statement relative to the tumult at some of the meetings in the towns; riotous mob at Sandbach on the Conservative side, *ib.* 6502–6514——Occurrence of treating on both sides, *ib.* 6517, 6518.

Mobs. Expediency of mobs being prevented by force from intimidating and molesting the electors, *Hill* 4686——Advantage if those who foster riotous proceedings by mobs could in some way be made responsible; suggestion whether the candidate in whose behalf such acts are committed should not be liable to lose his seat, *Colborne* 4747-4754. 4776-4794.

See also *Ballot*, II. 5. 15. *Blackburn. Bristol*, 2. *Cardiff. Chippenham. Drogheda. Ireland. Limerick City. Monmouthshire. Nominations. Scotland*, 3. *Sligo County*, 3. *South Australia*, 8.

Monaghan County. Exceedingly active part taken by the Roman Catholic clergy in the Monaghan county election of 1865, *Norwood* 8105–8110. 8187–8196——Very excited liberal mob at the above election, armed with guns, scythes, &c., there being also a large united body on the opposite side; beneficial influence exercised by the priests in seconding witness's efforts to prevent a collision on this occasion, *ib.* 8111–8114. 8148–8151. 8164–8186——Statement as to there having been only three polling places at the Monaghan election in 1865, *ib.* 8125. 8252–8258.

Monmouth Boroughs. Denial that at the election for the Monmouth boroughs the riots originated through any electors having been "bottled," *Colborne* 4763–4766.

Monmouthshire. Particulars relative to the riotous proceedings at Tredegar, Pontypool, Abersychan, and Blaenavon, on the occasion of the last election for Monmouthshire; great damage done to several houses, *Colborne* 4725–4746——Statement of the actual amounts claimed for damages, and of the amounts allowed against the hundred or district, *ib.* 4730–4737——Advantage if the polling places in Monmouthshire were not close to the large works, *ib.* 4749——Doubt as to any coercion of tenants by Conservative landlords, though a charge was made to that effect, *ib.* 4760–4762. 4795, 4796. 4802.

Report, 1869—*continued.*

Monmouthshire—continued.

Belief that the riots in the county were due chiefly to political religious rancour: statement hereon as to the part taken in the election by dissenting ministers and the clergy generally, *Colborne* 4762. 4837–4850 —— Very large number of attorneys employed on the Conservative side at the election for the county, *ib.* 4797–4801——Heavy expenses of the Conservative candidates; explanation upon some of the items, *ib.* 4803–4809 ——Considerable expense for polling places at the Monmouthshire election, *ib.* 4811.

Montgomeryshire. Instance of a dissenting congregation in Montgomeryshire having been deprived of their chapel after the election in 1862; examination whether this might not have been owing to the use of their chapel for political meetings, *Rev. M. D. Jones* 6595. 6637–6659. 6761–6788.

Explanation as regards the notice to quit given in the case of a dissenting chapel in Montgomeryshire that this had nothing to do with the election, *W. Jones* 8474–8479.

Muir, William Paterson. (Analysis of his Evidence.)—Has had considerable experience, as returning officer, of the working of the ballot in Victoria, 9852–9855. 9896–9898—— Conclusion as to the great success of the ballot in the Colony, it having prevented the treating, bribery, and intimidation which formerly prevailed, 9856. 9903–9909. 9921–9923——Explanation of the process of voting by ballot, showing that secrecy is effectually secured, and that the presence of scrutineers tends to prevent any abuse on the part of the returning officer, 9857–9862 —— Occasional attempts at personation; provisions for detecting and punishing this fraud, 9863–9866. 9893–9895.

Knowledge generally of the scrutiners as to the voters' opinions, 9867——Properly qualified persons chosen as deputy returning officers, 9862–9872——Obstacles to the votes being tampered with by the returning officer or his deputy after the poll is closed, 9873–9879 —— Limited amount of the necessary expenditure under the ballot on the part of the candidates or of Government, 9880–9883. 9937–9940.

Opinion as to the impracticability of any systematic personation and fraud on the plan alleged to have been adopted in Tasmania, 9884–9886. 9889–9892——Objection to the voting paper being handed to the returning officer before it is deposited in the ballot box, 9887, 9888——Means of absent voters for ascertaining whether they had been personated, 9893–9895——Power of the returning officer as to making a false statement of the voting, when the papers opened, 9899–9901——Instances of scrutiny, the expense never falling on the Government, 9910–9914.

Possibility under the ballot of the payment of voters for staying at home, 9915–9920 Transmission of the voting papers to Government after the poll is declared; they are subsequently destroyed, 9924–9933——Improbability of the payment of money corruptly after the time for petitioning has expired, 9934–9936——General feeling in the Colony in approval of the ballot, 9941——Very peaceful conduct of the elections, 9943–9945——Practice as to the declaration of the poll; absence of tumult on such occasions, 9946–9954.

MUNICIPAL ELECTIONS:

1. *Want of better Facilities for the Prevention and Punishment of Corrupt Practices; Suggestions on the Subject.*
2. *Other Details and Suggestions generally.*

1. *Want of better Facilities for the Prevention and Punishment of Corrupt Practices; Suggestions on the Subject:*

Statement as to the Act of 1859 for enforcing penalties for bribery at municipal elections having never been enforced at Nottingham; sundry obstacles to putting the Act in force, *Barber* 44–49 ——Suggestion for some simple and speedy mode of proceeding in cases of bribery, the expense to be borne by the town, except the proceedings are vexatious, *ib.*

Recommendation that the same law be applied to corrupt practices at municipal elections as at Parliamentary elections, *Barber* 50; *Hampson* 2594. 2604; *Storey* 2825. 2832. 2844; *Forwood* 3406–3411——Doubt as to the expediency of the borough justices prosecuting for bribery at the municipal elections, *Barber* 233–243——Advantage if there were a public prosecutor for initiating proceedings in cases of bribery at municipal elections, the expense to fall upon the town, *ib.* 251–257. 269–271. 301–304.

Explanation as to the penalty for bribery at municipal elections being inoperative at Windsor, *Darvil* 502–506. 519——Increased facilities required for the disqualification of

MUNICIPAL ELECTIONS—continued.

1. *Want of better Facilities for the Prevention and Punishment, &c.*—continued.

of town councillors returned by means of bribery committed by themselves or by agents, *Darvill* 519-528——Proposed trial of petitions before a county court judge duly empowered for the purpose, *ib.* 519. 549-552——Statement on the subject of the respectable townspeople at Windsor not taking legal proceedings for the punishment and prevention of bribery at the municipal elections; inference as to the expediency of its being some one's business to initiate proceedings, *ib.* 546-560. 583-591. 710-722. 762-768. 810-825——Importance of a public inquiry further adverted to, *ib.* 726.

Belief that the improved state of things in municipal elections at Warrington is due mainly to the moderate penalties under the Act of 1859, and to the probable enforcement of such penalties in cases of bribery &c., *Bleckly* 1040, 1041. 1049-1052. 1060-1066. 1083-1093——Severe character of the penalties under the Municipal Act, 5 and 6 Will 4, c. 76, as compared with the moderate and easily enforced penalties under the Act 22 Vict *ib.* 1080-1085——Importance attached to a public prosecutor in cases of corruption at municipal elections, *ib.* 1094-1098.

Belief as to the impracticability of an effectual application of the present law for the prevention of bribery and treating, *Addyman* 1407, 1408——Approval of a power of proceeding before two justices in the case of any town councillor charged with bribery, *ib.* 1493-1498. 1523-1526. 1528-1530——Improvement if there were an easier mode of prosecution for municipal bribery, *Trippier* 1656; *West* 3008—Impression at Staleybridge as to the law being much more strict for the prevention of abuse in the case of the Parliamentary election than of the municipal election, *Stanley* 2202. 2239-2245.

Suggestion that the same laws and penalties be applied to municipal and as to Parliamentary elections, and that the candidate be unseated in the event of bribery being proved, *Forwood* 3406-3411.

Want of some independent authority at Ashton for putting the law in force, when personation and treating are practised at the municipal elections; great improvement if there were a stipendiary magistrate for dealing with such matters, *Darnton* 3552. 3553. 3576-3602. 3611-3619——Approval of the defeated municipal candidate being empowered to hold the seat, if by a scrutiny he can prove corrupt practices on the part of the successful candidate, *ib.* 3554-3557. 3567-3571——Failure of the present system at Ashton as regards the action of the magistrates or the town council for the suppression of corrupt practices, the appointment of an independent authority being very desirable, *ib.* 3582-3602. 3611-3619——Necessity of a public prosecutor as well as a stipendiary magistrate for dealing with corrupt practices at municipal elections, *ib.* 3618——Want of a public prosecutor for dealing with personation at municipal elections, *Davies* 3682, 3683.

Inoperative character of the provisions in the Irish Municipal Act relative to corrupt practices, *Murphy* 5269-5274. 5277——Facilities suggested in reference to petitions when municipal candidates are unfairly defeated, *ib.* 5275, 5276.

Question whether, as regards corrupt practices at municipal elections, the returned candidate should not be removable by a proceeding in the Court of Queen's Bench, *Sir S. Martin* 10598-10601——Want of further facilities for dealing with corrupt practices at municipal elections, there not being sufficient motive to put the law in force, *Sir C. Blackburn* 11965-11969.

Resolution submitted by Mr. Bright in favour of a simple and speedy mode of trial of petitions, *Rep.* xiv.

Conclusion in Draft Report of Chairman of the Committee favourable to certain facilities for the voidance of corrupt elections, *Rep.* xvi.——Conclusion adverse to the appointment of a public prosecutor with reference to municipal elections, *ib.*

2. *Other Details and Suggestions generally.*

Sundry suggestions for simplifying the conduct of municipal elections, and for lessening the expense, *Butler* 482——Belief that not only at Windsor, but in most other boroughs, a practice prevails of paying men for their day's work for voting at municipal contests, *Darvill* 486-493——Suggestion that councillors and their agents be required to make a return, on oath, relative to the expenses and liabilities, *ib.* 530. 532. 661-664——Probability of those voters, at Windsor, &c., now open to bribes, polling according to their conscience if they could not get money, *ib.* 876-878.

Amendments suggested in the system of election of auditors and assessors for municipal purposes, *West* 2896-2900——Non-objection to the legal or necessary expenses of municipal elections being borne by the borough, *ib.* 2934-2937.——Expediency of the same system of voting at municipal as at Parliamentary elections, *Johnston* 3235, 3236——Belief that the mode of voting at the municipal elections in Ireland by means of papers is similar to that at the English municipal elections, *Murphy* 5281-5283.

Report, 1869—*continued.*

MUNICIPAL ELECTIONS—continued.

2. *Other Details and Suggestions generally*—continued.

Limited extent to which the conduct of the municipal elections came before witness; exceptional instances of alleged bribery or treating for Parliamentary purposes, *Sir C. Blackburn* 11964. 12059, 12060.

Conclusions, in Draft Report of Chairman of the Committee, as to the prevalence of bribery and treating at municipal elections, *Rep.* xv, xvi.

See also *Ashton-under-Lyne*, 1. *Ballot*, I. *Blackburn*, 1. *Bolton. Bradford*, 1. *Bristol*, 1. *Canvassing. Cheltenham*, 1. *City of London. Dublin City, &c.*, 1. *Franchise. Kingstown. Leeds*, 1. *Liverpool*, 1. *Nominations*, 1. *Nottingham. Staleybridge*, 1. *Voting Papers.* 1. *Warrington. Windsor*, 1.

Murphy, Joseph. (Analysis of his Evidence.)—Solicitor at Limerick; has had considerable experience of elections, 5252, 5253——Satisfactory conduct of the Limerick municipal elections previously to the general election in November 1865; 5254, 5255. 5385, 5386——Excitement and intimidation at the election of 1865; belief that bribery also was practised, whilst there were plenty of drunken mobs, 5256–5268——Inoperative character of the provisions in the Irish Municipal Act relative to corrupt practices, 5269–5274. 5277.

Facilities suggested in reference to petitions where municipal candidates are unfairly defeated, 5275, 5276——Higher qualification for the municipal franchise in Limerick than for the Parliamentary franchise; much larger number of Parliamentary electors, 5278–5280. 5382, 5383—— Belief that the mode of voting at the municipal elections by means of papers is similar to that at the English municpal elections, 5281–5283.

Very little bribery at the Parliamentary elections for Limerick, 5285——General practice of treating non-electors; influence produced thereby upon publicans, 5286. 5288, 5289—— Universal practice of employing hired mobs on each side, chiefly on the nomination day; frequent riots and disturbances in consequence, 5287. 5290–5307. 5327–5348. 5393, 5394. 5413–5430. 5457–5471——Combination between the Conservatives and the Fenians at the last election for Limerick; employment of a paid mob on this side, as well as of an unpaid Fenian mob, 5292–5300. 5349–5355. 5368, 5369. 5488–5490. 5514, 5515. 5532–5539.

Statement that on the polling day in Limerick the mobs are quiet, and that voters may go to the poll without obstruction; this was so at the last election, 5300, 5301. 5387–5392. 5400–5402. 5424–5430. 5502——Effect of mob intimidation as regards Roman Catholic shopkeepers and voters who are suspected of intending to vote on the Conservative side, 5302. 5306, 5307——Influence exercised in the rural districts by the landlords, and way in which it is shown; counteracting influence exercised by the priests, 5302–5305. 5308–5313. 5356–5367. 5373–5381. 5441, 5442. 5497–5500. 5516–5526—— Belief that the influence of the priests is exercised in the direction in which the people themselves would like to vote if uncontrolled by the landlords, 5308–5313. 5326. 5376, 5377. 5518. 5521. 5540–5542. 5546.

Opinion that the ballot is the only remedy for the evils experienced at the Limerick elections; expectation that it would prevent not only corrupt influence, but the employment of mobs, and the consequent riots and intimidation, 5314–5326. 5372–5377. 5395–5399. 5404–5410. 5479–5487. 5501 —— Doubt as to Roman Catholic voters not being perfectly able to maintain secrecy under the ballot; they would not feel bound to divulge to their priests how they voted, 5320–5326. 5479–5487——Payment of the Limerick mobs, at the rate of 2 *s.* 6 *d.* per man per day, no voters being included, 5327. 5457–5471.

Further statement as to the use of mobs being recognised, and as to disturbances and assaults being the general result; explanation hereon, as to the action of the magistrates in the matter, 5328–5348. 5393——Employment of military and police at the elections, 5337. 3387, 5388. 5503–5512. 5529——Very little interference of the landlords at the last election, 5366, 5367. 5520—— Expediency of something being done to put down the mobs and riots; difficulty of effectually preventing the evil by means of the military and police, 5370, 5371. 5393, 5394. 5502–5512.

Circumstance of many Roman Catholics in Limerick having voted against the wishes of the priests, 5379–5382——Small number polled by Mr. Pigott at the last election, 5403——Very active part taken by the priests in the elections; witness is not aware, however, of any political addresses delivered in the chapels, 5411, 5412——Part taken by the Liberal candidates and by the priests, in addressing the people on Sunday, when that day precedes the polling-day, 5415–5420.

Advantage of abolishing public nominations at Limerick, as only leading to riots and the use of hired mobs, 5421–5423. 5472——Approval of personal canvassing being made illegal, as conducing to the employment of mobs, 5431–5434——Ample facilities at Limerick in regard to polling places, 5435——Punishment of some of the rioters at the last election; difficulty of a more rigid enforcement of the law in this direction, 5436–5440.

Practice of the landlords and their agents to bring the tenants into Limerick the night before

Report, 1869—*continued.*

Murphy, Joseph. (Analysis of his Evidence)—*continued.*

before the polling, and to keep them in houses and stores, whence they go to the poll in batches, 5442, 5443——Very little difficulty as to the ballot, through the state of education of the people, most of whom can read and write, 5446-5448——Absence of paid canvassing at Limerick, 5449. 5457——Approval of a prohibition upon the holding of meetings or committees in public-houses, 5450-5456——Suggestions for an amended system of nomination or public address, 5473-5478——Denial that the Roman Catholic Bishop of Limerick was present in the polling booths at the last election, 5492-5494——Part taken by the priests in the municipal elections, 5495, 5496.

Interest taken by the Protestant clergy in the last Parliamentary election for Limerick city, though they were not active in the matter, 5513——Minority of seventy-four between Sir Peter Tait and the lowest Liberal candidate, about 200 Roman Catholics having voted for the former, 5514, 5515——Statement as to there having been no contest for Limerick county on the last occasion; circumstance of one of the Members being brother to a Roman Catholic clergyman, 5527, 5528. 5548-5552——Explanation as to neither Mr. Pigott nor Sir Peter Tait having issued addresses; they acted, however, in combination, 5530. 5532-5539. 5543-5545——Failure of the petition against the return of the Liberal Members, 5531.

N.

New York (Ballot). See *United States.*

Newport (Monmouth). Very excited and disturbed state of Newport at the last election for the Monmouth boroughs, serious damages having been done to Conservative houses, and much intimidation exercised, *Colborne* 4711-4723——Numerous claims at Newport for compensation, none of which were allowed, *ib.* 4721, 4722. 4724.

NOMINATIONS:

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections:*

Necessity of a contest, the expense of which falls upon the town, in the event of a person being nominated without his consent, *Barber* 29, 30. 36, 37. 188, 189——Suggestion that a small fee be charged for each nomination paper at municipal elections, and that no person should be nominated without his consent, *ib.* 34, 35——Check to fictitious nominations if the persons nominating had to contribute to the expense, *ib.* 272-275.

Proposal that candidates at municipal elections be nominated by nomination papers signed by two electors, and by the candidate accepting the nomination, *Butler* 482——Frequent instances of vexatious nominations for the town council at Leeds; advantage if the candidate's consent were necessary, *Addyman* 1424-1428. 1466-1468——Advantage of a fine being imposed upon persons making fictitious nominations, *ib.* 1475, 1476.

Inconvenience experienced at Bradford through the nomination of candidates for the town council without their consent, *Storey* 2827, 2828——Suggestion that at the municipal nominations a portion of the expenses be deposited, as a check upon vexatious nominations, *West* 2888, 2889——Improvement if the nomination papers were not received later than eight or nine o'clock in the evening, *ib.* 2891, 2892——Proposal that there be an interval of three days between the nomination and the election, both at municipal and Parliamentary elections, *ib.* 2892-2896. 2990-2993. 3039-3044.

Evils of the present system of nomination of municipal candidates, no previous intimation being necessary; suggestion that a pre-nomination be necessary, as in the case of poor law guardians, *Davies* 3694——Satisfactory operation of the present system of nomination of town councillors at Staleybridge, *Kirk* 3952-3955.

2. *Parliamentary Elections:*

Improvement if the present system of nomination of candidates were abolished, and if in lieu thereof the names of candidates were required to be given in and published at the town hall or other public office, *Bleckly* 1203-1221——Contemplated consent on the part of candidates when nominated, in order that they may be deemed liable for the expenses of going to the poll, *ib.* 1264-1273.

Concurrence of evidence in favour generally of the abolition of the present system of nomination, *Addyman* 1535-1545; *Bush* 4407-4449; *Latham* 6481; *Ellard* 7245; *Norwood* 8132. 8273; *Harkness* 8397-8401——Evidence in support of the view that nominations at Parliamentary elections should, as well as systematic canvassing, be done away with, *Trippier* 1753-1780. 1895. 1908-1921——Tranquil character of the nomina-

Report, 1869—*continued.*

NOMINATIONS—continued.

2. *Parliamentary Elections*—continued.

tions at Staleybridge; objection to public nominations being abolished, *Stanley* 2419–2430.

Illustration in the case of the last nomination at Bradford for the Parliamentary election of the expediency of abolishing nominations altogether, *Storey* 2841–2843——Witness submits that public nominations for the Parliamentary elections at Bradford have caused great disorder, and have been complete failures, there being a general feeling in the town that such nominations should be abolished, *West* 2861. 2867–2871. 2879——Great improvement if the Parliamentary nominations were made by paper, certain improvement on the plan of nomination by papers in municipal elections being desirable, *ib.* 2862–2866——Recommendation that open nominations be abolished for county elections as well as for borough elections, steps being taken to prevent inconvenience through fictitious nomination, *ib.* 3036, 3037. 3051–3055——Expediency of nomination by papers conjointly with an interval of three days between the nomination and polling, *ib.* 3038–3040.

Approval of an abolition of nominations, the practice at Blackburn leading to much abuse, *Johnston* 3215-3227——Petition from the Blackburn town council in favour of abolishing nominations, *ib.* 3222——Feeling at Liverpool as to the evil and the uselessness of nominations, *Forwood* 3412-3420——Great increase of expense and of corrupt practices caused by the present system of open nomination; witness would abolish this system altogether, *Davies* 3698, 3699——Grounds for recommending that it should be necessary for candidates to come forward a fortnight or a month before the election, *ib.* 3700–3706. 3804–3822——General feeling at Cheltenham in favour of abolishing the practice of nomination at the hustings, *ib.* 3798.

Proceedings at Staleybridge on the nomination day adverted to as showing the expediency of abolishing public nominations from the hustings, *Kirk* 3975–3990——Considerable disorder at Gravesend on the nomination day; improvement if the nomination were abolished altogether, *Troughton* 4075–4081. 4113——Effect of the public nomination of candidates in aggravating disturbances, *Colborne* 4810——Trouble and expense owing to the sudden nomination of candidates, these frequently not going to the poll; remedies suggested for this evil, *ib.* 4812–4836.

Advantage of abolishing public nominations at Limerick, as only leading to riots and the use of hired mobs, *Murphy* 5421-5423. 5472——Suggestions for an amended system of nomination or public address, *ib.* 5473–5478——Strong feeling at the Bristol town council in favour of abolishing public nominations, *Thomas* 5754–5758——Suggestion that the nomination for Parliamentary elections should be something similar to that for municipal elections, *ib.* 5769.

Objections to the abolition of pubic nomination in Scotland; orderly manner in which conducted, *Russel* 5843–5855.

Frightful scenes at the nominations at Limerick, it being very desirable to abolish nominations altogether, *Spaight* 6994, 6995. 7089–7092——Proposal that the nomination be made by letter or notification to the sheriff a certain number of days before the election, *Norwood* 8123. 8267–8273——Recommendation as to security for costs in connection with nominations sent to the sheriff, *ib.* 8124——Avoidance of much tumult and riot at the Dumfries elections if there were no public nomination and no declaration of the poll, *Harkness* 8397–8404——Abuse consequent upon the present facilities of nomination, *Arnold* 10421–10424.

Very general opinion expressed before witness in favour of the abolition of nominations; concurrence of witness in this recommendation, *Sir S. Martin* 10561–10565. 10642, 10643.

Resolutions submitted by Mr. Bright in favour of the abolition of public nominations, *Rep.* xiii, xiv.

Conclusion in Draft Report of Chairman of the Committee favourable to the abolition of public nominations, *Rep.* xviii.

See *South Australia*, 2. *Victoria*, 6.

Non-resident Voters. Explanation that the scheme of local or parish voting proposed by witness does not include any facilities for the polling of non-resident voters, though some arrangement might be made for taking their votes away from their parishes, *Right Hon. G. W. Hunt* 9497. 9510, 9511.

North Derbyshire. Certificate and report by Mr. Justice Willes, in the matter of the North Derbyshire election petition, *App.* 569.

North Norfolk. Failure of the attempt to prove coercion by landlords in the case of the North Norfolk petition, *Sir C. Blackburn* 12019. 12024, 12025——Very little paid agency at the election for North Norfolk, *ib.* 12028, 12029.

Northallerton. Particulars relative to a case of alleged undue influence at the Northallerton election as investigated by witness, *Sir J. S. Willes* 10742.

Norwich. Great amount of public-house expenditure at Norwich on the polling-day at the last election, *Sir S. Martin* 10518——Commencement of the bribery and treating about twelve o'clock on the polling-day, *ib.* 10522——Instance of bribery on a large scale at Norwich, which witness was very desirous should be followed up, *ib.* 10649–10651. 10687–10689——Explanation as to witness not having followed up the suspected bribery which came to light in the Norwich investigation, *ib.* 10793–10796.

Certificate and report by Mr. Justice Martin in the matter of the Norwich election petition, *App.* 572; 573.

Norwood, John (Analysis of his Evidence.)—Is a doctor of civil law, and a magistrate in Ireland; has had considerable experience in connection with Parliamentary, municipal, and poor law elections, 8098–8104. 8274–8276——Great and undue influence exercised by the Roman Catholic clergy at Irish elections; particular instances of this, 8105–8118. 8187–8210. 8228–8244——Exceedingly active part taken by the Roman Catholic clergy in the Monaghan county election of 1865; 8105–8110. 8187–8196——Very excited Liberal mob at the above election, armed with guns, scythes, &c., there having been also a large united body on the opposite side; beneficial influence exercised by the priests in seconding witness's efforts to prevent a collision on this occasion, 8111–8114. 8148–8151. 8164–8186.

Powerful influence exercised by the Roman Catholic clergy at the election for the Dublin mayoralty in 1868; examination hereon whether this influence was not properly exercised as bearing upon the question of the Irish church, 8116. 8197–8210——Very satisfactory working of the system of voting papers at poor law elections in Ireland, 8119–8122. 8295. 8298——Suggested abolition of the nomination day, 8123. 8273——Proposal that the nomination be made by letter or notification to the sheriff a certain number of days before the election, 8123. 8267–8273——Recommendation as to security for costs in connection with nominations sent to the sheriff, 8124.

Great evils arising from the insufficiency of polling places in Ireland, a large increase in the number being urgently required, 8125–8129. 8259, 8260. 8278. 8307, 8308—Statement as to there having been only three polling places at the Monaghan election in 1865; 8125. 8252–8258——Necessity of military escorts so long as the polling places are so far apart, 8125–8127.

Proposition that the system of voting papers, as in the case of the Dublin University elections, be adopted for Parliamentary elections generally, as a supplementary mode of voting, where the voters prefer to adopt such mode; question hereon whether undue influence might not arise in the signing of the papers before a magistrate, 8130. 8261–8266. 8281–8306. 8309–8326——Suggested enactment that the clergy of all persuasions be prohibited from interfering in elections as agents, 8130–8132——Absence of undue interference by the Presbyterian clergy in Ireland, 8133. 8159–8162.

Evidence in support of the conclusion that in Ireland the ballot would not prevent priestly influence, and would not secure secrecy of voting, 8134–8147. 8218–8251——Failure of the ballot to secure secrecy or purity of election in America, 8145——Want of public confidence in the ballot in America, 8145, 8146——Opinion that the ballot would lead to political hypocrisy, 8145——Instances of Roman Catholics in Ireland opposed to the ballot, whilst it is disapproved by Protestants generally, 8147. 8248–8251.

Opinion that the military should still be available at Irish elections, but should be kept out of the way until really required, 8152, 8153——Obstacle to dispensing with the military, even if the ballot be introduced, 8154–8158——Probability of the military being still required in some cases, even though the polling places be increased in number, 8211–8217.

NOTTINGHAM:

1. *As to the Prevalence of Bribery at the Municipal Elections.*
2. *Local Feeling on the Subject of Bribery.*
3. *Constitution of the Town Council.*
4. *Other Details relative to the Municipal Elections.*
5. *Parliamentary Elections.*

1. *As to the Prevalence of Bribery at the Municipal Elections:*

Notoriety of the practice of bribery at the municipal elections in the borough, money being given with little, if any, attempt at concealment, *Barber* 6. 22, 23. 64–68——Careful inquiry made by witness, the conclusion being that about one-third of the municipal electors require money, and that the payments vary from 2*s.* 6*d.* upwards, accordingly as the contests are more severe, *ib.* 7–19. 71–74——Statement relative to the very large expenditure at the municipal elections in 1844, *ib.* 14, 15. 181–186. 204–212——Expenditure of upwards of 2,000*l.* in one ward in 1844; particulars relative to this election, *ib.* 14, 15. 181–186. 204–212.

NOTTINGHAM—continued.

1. *As to the Prevalence of Bribery at the Municipal Elections*—continued.

Corrupt character of many small shopkeepers, as well as of the lower class of voters, *Barber* 28. 173, 174——Long period for which bribery has been practised at the elections, *ib.* 25–27——Doubt as to the bribery at the municipal elections having any reference to the Parliamentary elections, *ib.* 33. 196–203. 213–220——Inoperativeness at Nottingham of the provisions of the Act of 1859 for preventing bribery at municipal elections, *ib.* 45–49—— Gradual spread of the system of taking money for votes, *ib.* 88, 89.

Indifference of a large number of municipal voters, as regards the elections, if it were not for the payments made, *Barber* 153–165——Understanding between the persons termed managers in the different wards and the municipal voters as to the money to be paid; question hereon whether there might not be a similar understanding, even though the ballot were adopted, *ib.* 258–268——Small sums for which many of the smaller tradesmen sell their votes at the municipal contests, *ib.* 305–309——Refusal of many of the working classes to receive bribes, *ib.* 309. 339.

Witness considers that the proportion of the municipal voters of the town open to bribery is much larger than one-third, *Bradshaw* 348–352. 431, 432——Statement relative to the very extensive and heavy bribing at the elections of 1844, from 7,000*l.* to 8,000 *l.* having probably been spent, *ib.* 353–356——In 1844 as much as 20*l.* was paid for a single vote, *ib.* 353–355——Continuance of bribery in every ward in which since 1844 there has been a contest, some of the contests being between candidates of the same political party, *ib.* 357–360. 377–379.

Very few respectable persons who vote, the receipt of money being the only motive which induces the great majority to vote, *Bradshaw* 360, 361. 380, 381. 429–432—— Belief that the municipal bribery arose out of the Parliamentary bribery, *ib.* 366. 433–436——Origin of the municipal bribery previously to 1844, the object being to obtain political preponderance in the council, *ib.* 367–370. 446–453——Belief that fully one-half the municipal electors are open to bribery, *ib.* 431, 432.

Particulars relative to the extent of bribery at the municipal elections, and the sums paid, there being no contest without bribery, *Butler* 459–479——Money has not passed through witness's hands in bribery, but he knows it to have been paid, *ib.* 466–470.

2. *Local Feeling on the Subject of Bribery:*

Strong desire for a suppression of bribery, some attempts to stop it having, however, been futile, *Barber* 64–76——Absence of public dissatisfaction on account of the expense of the municipal contests, *ib.* 276–282——Desire of the respectable people of both political parties to see bribery suppressed, though individuals do not take active proceedings in the matter, on account of the unpopularity to be experienced, *Bradshaw* 362–365. 394. 398, 399. 437——Want of proper public reprobation of the existing practice, *ib.* 420–428.

3. *Constitution of the Town Council:*

Effect of the existing corruption in deterring respectable persons from standing for the municipal council, *Barber* 24, 77–179——Large ratepayers selected for the town council, the affairs of the town being excellently managed by the council, *ib.* 77–85. 310, 311 ——Selection of the most fitting persons for the council if the elections were conducted purely, *ib.* 85–87.

Statement as to the candidates for the council being elected with direct reference to their political principles, and yet without reference to the Parliamentary elections, *Barber* 137–143. 177–186. 204–220——Efficient discharge of their duty by those elected, their politics not leading to abuse, *ib.* 166–171——Local objects by which candidates are induced to stand, and to give their services in the town council, *ib.* 167. 172.

Better constitution of the town council, but that many respectable persons are deterred from becoming candidates through the corruption which prevails, *Bradshaw* 438.

4. *Other Details relative to the Municipal Elections:*

Statement of the number of municipal electors in each of the seven wards in the borough of Nottingham, the total number being 14,168; *Barber* 2–4——Similar limits of the Parliamentary and of the municipal borough, *ib.* 5——Considerable prevalence of treating as well as bribery at the Nottingham municipal elections, *ib.* 20, 21. 109—— Frequent instances of persons being nominated without their consent; great abuse arising from this practice, *ib.* 29–32. 34–37. 40, 41. 187–189.

Statement showing that personation frequently takes place at the municipal elections, *Barber* 53–59. 114–122——Very little intimidation at the elections, *ib.* 60–63—— Increased interest taken in the elections by the non-corrupt voters but for the system of bribery, *ib.* 111–113. 153–165——Instances of the same voters having polled for candidates on different lists, *ib.* 248, 249——Witness is not aware of any instance of Parliamentary Members for Nottingham subscribing towards the expense of municipal contests,

NOTTINGHAM—continued.

4. *Other Details relative to the Municipal Elections*—continued.

tests, *Barber* 250——Witness has been elected six times in twenty-one years, and the total of his expenditure has been under 50 *l.*, *ib.* 278–280.

Statement that the municipal elections have no effect upon the Parliamentary elections, *Bradshaw* 442——Form of voting paper filled up by the electors, *Butler* 463.

5. *Parliamentary Elections* :

Respects in which the expense is greater in the case of a Parliamentary election at Nottingham than of a municipal election, *Barber* 283–288——Long period for which money has been spent in the Parliamentary elections, *Bradshaw* 395–397——Conclusion as to there having been great corruption at the last Parliamentary election as well as at the municipal election just previously, *ib.* 439–445.

See also *Ballot*, I.

O.

Oldham. Statement as to some voters having been struck off by witness at Oldham on the ground of intimidation by an employer, *Sir C. Blackburn* 11962. 12013.

Open Voting. *See* the Headings generally throughout the Index.

Otto, William Ellison. (Analysis of his Evidence.)—Is factor of the Marquis of Lothian in Roxburghshire and Mid-Lothian, 7276——Submits explanations in detail relative to the refusal of Lord Lothian, through witness, to renew the lease of Timpendean farm to Mr. Scott, 7277 *et seq.*——Denies that the cause assigned by Lord Lothian to witness, or by witness to Mr. Scott for such refusal was that Mr. Scott had voted against his Lordship's brother at the Roxburghshire election, 7278 *et seq.*——The farm was surveyed by witness, and a report prepared in draft, but there had been no negociations as to a renewal of the lease, nor was any rent mentioned, 7285–7294. 7302–7308. 7431–7437.

Instructions given by Lord Lothian to the effect that he did not intend to renew Mr. Scott's; no reason was assigned, but witness inferred that private reasons were the cause, irrespectively of Mr. Scott's vote, 7294, 7295. 7317–7325. 7373. 7396–7401. 7426–7430. 7488–7490——Character of the conversation between witness and Mr. Scott when the latter was informed that his lease would not be renewed; reference made by the latter to the part taken by him at the elections, 7296, 7297——Letter from Mr. Scott to witness dated 11th December 1868 on the subject of his vote, 7298–7301.

Statement that witness never intimated to Mr. Scott or any other tenant of Lord Lothian that they must vote as his Lordship wished, nor did Lord Lothian ever give instructions to that effect, 7309, 7310——Denial that before the election witness held out any inducement to Mr. Scott to vote for Lord Lothian's brother, 7311–7316——Circumstance of Mr. Scott having spoken disrespectively of Lord Lothian's family at a farmers' meeting at Harwick; probability of this having caused the non-renewal of his lease, 7321–7325. 7362–7373. 7389–7393. 7410. 7424, 7425. 7491–7496. 7503–7505.

Expiration in 1869 of the leases of four farms of Lord Lothian; renewal of these to the sitting tenants, two of whom had voted for the Liberal candidate, 7326–7331. 7455–7564. 7501, 7502——Examination relative to a letter from Mr. Scott to Lord Lothian with reference to the non-renewal of the lease; explanation as to this letter not having been answered, 7332–7337. 7355–7359. 7407–7409. 7481–7487——Desire expressed by Lord Lothian that witness should attend the Committee and explain that the refusal to renew the lease was not through the voting of Mr. Scott, 7338–7340. 7402–7406.

Very few tenants of Lord Lothian canvassed by witness before the Roxburghshire election; no pressure was exercised, 7341–7343. 7376–7381. 7386–7388. 7413–7416. 7470–7472——Belief that there was no pressure by any of the landlords in the county, 7344——Considerable mob intimidation on the Liberal side, 7345–7347——Coercion in the villages by the Liberals, 7348–7351. 7382–7385——Active part taken in the election by the Dissenting ministers, 7352–7354.

Further details on various points connected with Mr. Scott's case, witness further denying that the decision not to renew his lease was a direct result of the part taken by him in the county election, 7360 *et seq.*

[Second Examination.]—Further statement that witness never told Mr. Scott that his lease would not be renewed because he had voted against Lord Schomberg Kerr; inference to this effect made by Mr. Scott himself, 8043–8045. 8051, 8052. 8080–8083——Denial that witness told Mr. Scott's brother that Lord Lothian regretted his decision not to renew, 8048–8050——Conditions and improvements spoken of when witness surveyed Mr. Scott's farm; denial, however, that certain work was subsequently done by Mr. Scott in positive expectation of a continuance of his lease, 8053–8056. 8091–8093.

Report, 1869—*continued.*

Otto, William Ellison. (Analysis of his Evidence)—*continued.*

Conversation of witness with Lord Lothian further adverted to; the latter assigned no reason for his decision not to renew the lease, and had not before him witness's report on the farm, 8057–8071. 8078, 8079. 8086–8090. 8097——Denial that witness's report was directly favourable to a renewal, or that he told Mr. Scott everything was ready for renewal, 8061–8068. 8072–8077——Further reference to the existence of private reasons as sufficient to account for Lord Lothian's decision; circumstance of this cause not having been mentioned to Mr. Scott, 8083. 8094–8097——With regard to the two farms re-let to Liberal voters, the agreements for these were made long before the election, 8084, 8085.

P.

Paid Agents. See *Agents. Canvassing.*

Parish Voting (*County Elections*). Advantage if the voters could poll parochially instead of travelling a distance for the purpose, *Cheese* 5089–5101.

Proposition that county voters be enabled to vote in their own parishes, the voters to be taken by the overseer and forwarded to the returning officer, *Right Hon. G. W. Hunt*, 9490 *et seq.*——Suggestion for making the registry answer the purpose of a poll-book, as part of witness's scheme, *ib.* 9490——Necessity of a delay of a day or two in the declaration of the poll under witness's plan, *ib.*——Proposal that every voter should receive from the overseer a duplicate of the entry of his vote, it being also contemplated that the poll-sheets for each parish be published; check thereby upon falsification, *ib.* 9490. 9521–9523.

Consideration of objections to the scheme on the ground that the overseers are not fit to be trusted with the duty of taking the votes, and would moreover require assistance; belief that there is no good ground for these objections, *Right Hon. G. W. Hunt* 9491–9496. 9503–9505. 9519, 9520. 9525–9530——Great saving of expense under witness's scheme, even if the overseer required assistance, and if check clerks were employed, *ib.* 9502, 9503. 9508. 9512–9515——Increased necessity of a polling-place in each parish since the extension of the franchise, *ib.* 9503——Equal necessity for a polling-place in each parish if the ballot be adopted, *ib.*——Doubt as to facilities for undue influence by landlords and others under the plan of local or parish voting, *ib.* 9527–9530.

See also *Non-resident Voters.*

Parliamentary Elections. *See* the Headings generally throughout the Index.

Patten, The Right Honourable Colonel J. Wilson (*Member of the House*). (Analysis of his Evidence.)—Statement as to the inaccuracy of General McMurdo's evidence on the subject of voters under military escort in Ireland being considered as prisoners, or under control, 11829–11835——Comment upon a statement by General McMurdo to the effec that too many troops were employed at the elections; conclusion that the precautions taken by the late Government in this respect were in no instance excessive, 11836–11840——Peculiarly disturbed state of the county of Sligo at the time of the election; necessity of protection for the Conservative voters, 11841–11862——Explanation relative to the employment of the constabulary in Sligo in escorting voters from the country som days before the polling, 11842–11850.

Testimony to the conduct of the constabulary generally during the elections; great care taken to prevent their influencing the elections, 11842. 11851, 11852——Impossibility of a magistrate accompanying every constabulary escort, 11847. 11884——Comment upon the course taken by Liberal candidates, or their friends, in spreading the impression that the military and police were used by Government for purposes of coercion, 11852–11855. 11859, 11860. 11926, 11927——Impartial way in which escorts were provided, 11856–11858——Denial of a statement by the Rev. Mr. McDermot as to an escort having gone a roundabout way for the sake of display, 11863–11865——Belief that in the present state of Ireland it is essential to employ troops at the elections, 11866.

Grounds for the conclusion that the adoption of the ballot in Ireland would not tend to promote tranquillity at the elections, the opposing parties being clearly defined, and well known to each other, 11867–11881. 11950–11952——Want of better education before the ballot is introduced, 11881. 11948, 11949——Concurrence in the view that if possible the use of troops, at the elections, should be dispensed with, 11882——Necessity of the orders of a magistrate before the troops can act; this does not apply to the constabulary, 11883–11886——Great importance of a large increase in the number of polling-places at Irish elections, 11887.

Examination with further reference to the disturbed state of Sligo county, at the time of the election, and in defence of the course pursued as regards the use of escorts for the protection of Conservative voters, 11888–11931——Distinctive features of elections in Ireland as compared with English elections, so that the employment of troops in the former case is indispensable, 11932–11940——Impartial employment of resident magistrates at the elections, without any reference to their political views, 11942–11947.

Payment

Report, 1869—*continued.*

Payment of Members. Decided objection to the payment of Members, *Kirk* 4029.

Penalties. Approval of the law being made more stringent, and being readily enforced, *Saville* 2476——Conclusion as to the sufficient strictness of the present law for preventing bribery, &c., at Parliamentary elections, *Storey* 2845–2851——It would be no use whatever to render the penalties more strict, *Sir S. Martin* 10594——Inoperativeness of the provisions as to indicting for a misdemeanour or sueing for penalties, *Sir C. Blackburn* 11963. 11969.

Recommendation by Mr. James for the imposition of severer penalties for corrupt practices, *Rep.* xiv.

See also *Criminal Prosecutions. Juries. Municipal Elections*, 1. *Public Prosecutor. Void Elections.*

Penryn. Certificate and Report by Mr. Justice Willes in the matter of the Penryn election petition, *App.* 573.

Percy, Major John William. (Analysis of his Evidence.)—Is a resident magistrate in the counties of Galway and Tipperary; was acting in Sligo at the election in November 1868; 11056–11060——Very severe character of the contest in Sligo, there having been two Conservative candidates and one Liberal candidate, 11061, 11062——Reference to an application to witness by Mr. Ffolliott for an escort for some voters, such escort not having been subsequently required, 11065–11067——Evidence in detail relative to an escort granted by witness at Ballymote several days before the election, for the protection of an agent named Lang in going to "warn" some voters of Colonel Cooper; explanation that witness never intended that this escort should bring back voters, 11068–11129.

Disturbed state of the district about Ballymote, when witness arrived there a fortnight before the election, 11100——Circumstances connected with the escort by witness, of some voters from Tobercurry to Ballymote two days before the election; previous protection of these men at the former place, 11130–11141. 11441–11445——Numerous car loads of voters escorted by witness on one occasion, these having been brought to him by an agent, 11142–11144. 11193–11200.——Action of agents in collecting the voters, 11194–11199. 11315–11317——Statement as to witness having granted an escort for some voters from the railway station at Ballymote, without any sworn information, 11145–11150——Explanation relative to the escort granted in the case of some Protestant voters from Mr. O'Hara's place at Coolaney, 11151–11162. 11174–11178. 11389–11402.

Ordinary character of the instructions received by witness from Government, when ordered to Ballymote, his general duty was to do all in his power to preserve peace within the district, 11163–11172. 11261–11270. 11308, 11309—Considerable force of military and police in the Ballymote polling district, 11173——Practice of witness and of stipendiary magistrates generally, as to the granting of escorts upon application by agents and others, without sworn informations, 11179–11185.

Inaccuracy of a statement by Mr. McDermot, that an escort went a circuitous route for the sake of display or intimidation, 11186. 11278, 11279——Care taken by witness to show that the voters being escorted were not under restraint, 11187, 11188. 11192–11219——Impression as to some voters being under the notion that they cannot leave the escort, 11189–11191——Belief that the voters in Sligo did not conceive the escorts were meant by Government for intimidation; injustice of any such impression or insinuation, 11201. 11260. 11347–11351.

Statement as to some voters having told witness they were afraid either of eviction on the one hand, or of the priest on the other, 11202–11205. 11352–11354. 11431–11434——Evidence showing that several outrages were committed against the property of voters on the Conservative side, some voters also having been personally injured, 11202, 11203. 11206–11236. 11407–11462——Great advantage if military escorts could be dispensed with; conclusion that the voters generally might reach the poll safely, if really anxious to vote, 11237–11253.

Further statement as to witness having granted escorts on the representations of agents and others, and without sworn informations, 11271, 11272. 11403–11406. 11446–11456. 11460–11480——Employment of escorts in Tipperary adverted to; much less excitement than in Sligo, 11272. 11327, 11328. 11438–11440——Opinion as to the necessity of military escorts being accompanied by a magistrate, whilst the constabulary can act on their own responsibility, 11273–11277. 11375–11385——Further evidence to the effect that the voters under escort are free to leave the escort, and that certain statements on this subject by General McMurdo are not well founded, 11280–11295. 11366–11374——Very few escorts granted by witness; necessity of these, 11296–11298. 11386–11388——Fearful excitement at the election; this was owing partially to the harangues of the Roman Catholic clergy, 11299–11302.

Belief as to escorts being applied for by the Roman Catholic party at elections in the north of Ireland, 11303–11306——Statement relative to the large force provided by Government at the Sligo election, and the applications made to them on the subject by the magistrates, 11307–11314. 11355–11360——Strong objection to General McMurdo's

Report, 1869—*continued.*

Percy, Major John William. (Analysis of his Evidence)—*continued.*

suggestion that the military at elections should be armed only with sticks, 11319–11322——Importance of an increased number of polling places at county elections, as in Sligo and Tipperary, 11323–11328.

Steps taken at the Sligo election to keep clear the passage to the poll, 11329–11333——Opinion as to the greater facility in polling if the ballot were adopted, 11334, 11335——Impression as to there being priestly intimidation in Ireland rather than landlord intimidation, 11336, 11337. 11413–11434——Statement that no complaints were made of witness's conduct at the Sligo election, 11338. 11345, 11346——Denial that it was any part of witness's duty to bring voters to the poll against their will, 11347. 11366–11374.

Action of the mob and of the priests on the Liberal side, 11361–11365——Opinion as to the sufficiency of a constable for accompanying a military escort when a magistrate is not available, 11435–11437——Particulars relative to a meeting of magistrates and of agents on the Conservative side, at which the question of escorts was considered, 11452, 11453. 11460–11480——Reports made by witness to Government on the subject of the election, he being directly responsible for his action in the matter, 11481–11489.

Personation. Equal check upon personation under the ballot as under open voting, *Darvill* 743–746. 838–840; *Dutton* 9138, 9139——Improvement if persons charged with personation, &c., were brought before a stipendiary magistrate instead of before the present class of magistrates in boroughs, *Storey* 2836–2840——Difficulty experienced in following up prosecutions for personation at Liverpool, a public prosecutor being desirable, *Forwood* 3396–3401——Difficulty under the ballot in checking personation, *ib.* 3402, 3403.

Conclusion as to the necessity of a public prosecutor for dealing with cases of personation at municipal elections, *Davies* 3682, 3683——Advantage if non-resident owners were not qualified to vote for municipal election, as obviating one of the chief causes of personation, *ib.* 3692——Further check to personation by a subdivision of polling districts, *ib.* 3693——Obstacles to carrying out prosecutions for personation at Cheltenham, *ib.* 3726–3728——Limited amount of personation at the Staleybridge municipal elections, *Kirk* 3957, 3958.

Efficiency of the check upon personation if there were parish voting, *Right Hon. G. W. Hunt* 9490. 9497. 9520.

See also *Ballot*, II. 6. *Bradford*, 1. *Lancashire. Leeds*, 1. *Nottingham*, 4. *South Australia*, 7. *United States*, 2. *Victoria*, 2. *Voting Papers.*

Petitions:

Statement as to the unfair position in which Members are placed who are petitioned against under the Corrupt Practices Act; checks suggested in order that petitions may not be lightly presented, *Torrens* 8760–8766.

Success of the petitions in five cases out of thirteen tried by witness, *Sir S. Martin* 10516, 10517——Facility experienced by witness in obtaining all required information from witnesses on the petitions, *ib.* 10592——Statement to the effect that the judges do not consider themselves public prosecutors, *ib.* 10649. 10652——Belief as to there being no abuse in connection with the withdrawal of petitions; necessary consent of the judge before the withdrawal, *ib.* 10681–10685——Opinion as to the entire inaccuracy of the view that the judges had, by their decisions, rendered the success of petitions unduly difficult, *ib.* 10700–10702——Power of the electors to institute inquiry on the subject of corrupt practices, irrespectively of the question of unseating the sitting Member, *ib.* 10712, 10713.

Witness has tried ten election petitions, the seat having been voided in two instances on the ground of undue influence, *Sir J. S. Willes* 10714–10717——Opportunities of the judges for arriving at conclusions as to the general character of the boroughs where corrupt practices are alleged, *ib.* 10784, 10785——Explanation relative to the power of the judge, under section 32 of the Act, to require the attendance of any witness; difficulties as to the exercise of this power, *ib.* 10786–10792——Conclusion as to the injurious effect likely to result from the interference of the judge in calling witnesses, *Sir S. Martin* 10791——Suggestion that, if the judge is to act as a censor and to call witnesses, he should be furnished with a solicitor, *Sir J. S. Willes* 10797.

Check, through the taxation of costs, upon the expense of inquiries before a judge; impression as to the expense being less than inquiry before a Select Committee, *Sir J. S. Willes* 10805–10810——Great relief to the judge if he were assisted by two assessors in deciding upon questions of fact, *Sir J. S. Willes* 10811–10817; *Sir C. Blackburn* 12087–12089——Importance of the inquiry being local, *Sir J. S. Willes* 10818, 10819; *Sir C. Blackburn* 12098.

Examination upon the question of there being power under the Act to present a second petition when corrupt payments for treating or bribery are subsequently made; suggested amendments in this respect, *Sir J. S. Willes* 10826–10833——Explanation of the state of the law on the subject of a petition against a candidate or member on account

of

Petitions—continued.

of corrupt practices at a previous election at which he was a candidate, *Sir J. S. Willes* and *Sir S. Martin* 10834–10842——Statement showing that in the majority of the cases tried the costs followed the result, *ib.* 10843–10848.

Suggestion that in the case of Parliamentary elections the period for petitioning should be extended till after the returns of the expenses have been made and published, *Sir C. Blackburn* 11970. 11975. 11989–11996. 12073–12075——Incomplete evidence of corrupt practices which is brought out before the judge; consequent difficulty in reporting upon the character of the place, *ib.* 12008–12011——Consideration of the practice in regard to the furnishing of particulars as to alleged acts of bribery, &c., when a seat is claimed; objections to which open as affecting the sitting Member, *ib.* 12044–12052——Decided objection to a jury, *ib*, 12084.

Probability of corrupt practices having been somewhat checked through fear of the new tribunal for trying petitions, *Sir C. Blackburn* 12091——Ordinary legal course followed by witness in deciding as to the incidence of the expense of each petition; that is, that the cost should await the event. *ib.* 12093——Danger of lavish expenditure if the public were to be at the expense of petitioning, *ib.* 12094——Necessity of the management and expense of the petition resting with the public if the matter be treated as a public inquiry, *ib.* 12095.

Difficulty as to a public officer taking up the inquiry upon condition that a *primâ facie* case was first made out by one of the parties, *Sir C. Blackburn* 12096——Considerable amount of perjury in the cases that came before witness, *ib.* 12097——Concurrence in the view of Mr. Justice Willes that in the event of a corrupt payment after a petition had been tried, there might be a second petition; difficulty, however, involved in the question, *ib.* 12099.

Copies of the certificates and reports to the Speaker of the House of Commons from the judges selected for the trial of election petitions, *App.* 559–588.

Recommendation by Mr. James for extending the time for presenting petitions *Rep.* xiv.

See also *Municipal Elections*, 1. *South Australia*, 13. *Victoria*, 8.

Polling. Representation as to the expediency of some person of high character presiding at each poling booth at Parliamentary elections; also as to the want of improved machinery for the prevention and correction of mistakes in polling, *Bleckly* 1101. 1123–1126. 1137–1146. 1274–1280. 1302. 1308–1311.

See also *Ballot. Parish Voting. Voting Papers.*

Polling Places. Great inconvenience and expense in county elections through the voters having frequently to go many miles to the polling places, the expense of providing conveyance falling upon the candidates, *Right Hon. G. W. Hunt* 9490. 9534, 9535——Means of checking the expense of conveyance to the poll by increasing the number of polling places; increased expense, however, in the latter case, *ib.* 9501, 9502. 9516–9518——Doubt as to any insufficiency of polling places at borough elections in England, *Sir S. Martin* 10647, 10648.

Conclusion in Draft Report of Chairman of the Committee as to the advantage of a multiplication of polling places, if in combination with the ballot, and with the prohibition of the conveyance of voters to the poll, *Rep.* xx——Disapproval of an increase of polling places in combination with a system of open voting, *ib.*

See also *Ireland*, IV. *Parish Voting* (*County Elections*).

Preston. Permission given for the withdrawal of the petition against the return of the sitting Members, *App.* 574.

Resolutions adopted by the town council of Preston as to the amendments desirable in the system of municipal and Parliamentary elections, *App.* 589, 590.

Probyn, John W. (Analysis of his Evidence.)—Sundry details in connection with the ballot system in Italy, showing that the elections are conducted without undue influence or bribery, with little expense to the candidates, and with very beneficial results generally, 12283 *et seq.*——Strictly secret character of the Italian ballot, 12291——Way in which the voting papers are procured by the electors, and character of the precautions against fraud, 12292–12303. 12316–12324——Arrangement as to the voter writing on the voting paper the name of the candidate for whom he polls, the candidates being well known through public meetings, &c., and there being no nomination, 12292–12298. 12352–12354. 12357–12364.

Conservative majority in the Italian Chamber under the ballot system of election, 12300. 12349, 12350——Considerable interest taken by the voters in the elections; statement hereon as to the proportion who poll as compared with the proportion in this country, 12306–12309. 12335–12338. 12365–12369——Effect of the ballot in Italy in neutralising all unfair influence on the part of the priests, 12312–12314. 12325–12331——Very orderly conduct of the elections, the military never being employed, 12333, 12334.

Report, 1869—*continued.*

PUBLIC-HOUSES:

Important benefits anticipated from closing public-houses on election days, though it would be an unpopular measure, *Darvill* 891–893——Disorderly conduct at the Leeds elections in consequence of the treating, so that the closing of the public-houses on the day of the election would be a great improvement, *Addyman* 1418–1421. 1517–1522 —— Advantage in election meetings not being held at public-houses in Liverpool; approval of this plan being compulsory, *Trippier* 1903, 1904. 1928–1930——Great benefit if the public-houses were closed from the evening before the election day till the evening of that day, *ib.* 1906, 1907.

Approval of the proposal for closing the public-houses on the day of the election, and for prohibiting the use of public-houses for committee-rooms, *Johnson* 2004–2008. 2090–2092. 2110–2113——Approval of the public-houses being closed on the day of election, and of declaration of the poll, *West* 3029–3031 —— Great improvement if public-houses were closed at election time, *Briggs* 3295, 3296; *Bush* 4403, 4404—— Obstacle at Liverpool to dispensing with public-houses as the places of meeting of committees; approval of prohibiting the use of public-houses for public meetings held by the candidates, *Forwood* 3394, 3395. 3445–3465.

Suggestion whether on the eve of the polling day public-houses should not be closed at an early hour, *Davies* 3699——Prevention of much treating at Parliamentary elections if committees were not allowed at public-houses, *Kirk* 3917–3920——Advantage if public meetings for hearing the views of the candidate were not allowed to be held at public-houses, *ib.* 3939, 3940. 3998–4003—— Approval of a prohibition upon the holding of meetings or committees in public-houses, *Murphy* 5450–5456; *M'Gowan* 5999.

Advantage if public-houses were closed on the day of election and the day before, *Thomas* 5769; *Ellard* 7246——Great benefit if the public-houses were closed on the days of nomination and polling, *M'Gowan* 5999, 6000—— Proposal that all meetings be held at places not public-houses, such as schoolrooms, *Latham* 6481–6483. 6521.——Decided approval of the closing of public-houses on the day of election, *Latham* 6481. 6520; *Spaight* 7093; *Sir S. Martin* 10566–10570.

Opinion favourable to prohibiting the holding of committees at public-houses, *Sir S. Martin* 10587, 10588. 10616–10620. 10641——Excessive payment frequently made for committee-rooms at public-houses; instances of this at Salford, though witness did not decide that such payment was bribery within the meaning of the Act, *ib.* 10674, 10675. 10690–10699.——Advantage if committee-rooms were not held at public-houses, it being very difficult, however, in some instances, to provide them elsewhere, *Sir J. S. Willes* 10760–10765——Great improvement if public-houses were not used for committee-rooms, *Sir C. Blackburn* 12079, 12080.

Resolution proposed by Mr. Bright for the prohibition of committee-rooms in public-houses, *Rep.* xiv.

Conclusion, in Draft Report of Chairman of the Committee as to the tranquillity and purity of election likely to result from closing the public-houses on the days of nomination and polling, *Rep.* xviii, xix.

Public Nominations. See *Nominations.*

Public Opinion. Importance of the influence of public opinion, backed by stringent laws, as a check to corrupt practices at Parliamentary elections, *Stanley* 2306–2312. 2378–2386. 2407, 2408—— Growing public opinion in favour of the pure conduct of elections, improved education tending to increase this feeling; expediency, nevertheless, of the protection of the ballot, *West* 2964–2976. 2999–3001.—— *See* also *Ballot*, II.

Public Prosecutor. Doubt as to the expediency of the borough justices prosecuting for bribery at the municipal elections, *Barber* 233–243——Advantage if there were a public prosecutor for initiating proceedings in cases of bribery at municipal elections, the expense to fall upon the town, *ib.* 251–257. 269–271. 301–304—— Suggestion that the punishment of bribery be rendered much more simple and easy, and that for this purpose some non-local person should act as public prosecutor, *Bradshaw* 371–376. 408–419.

Statement on the subject of the respectable townspeople at Windsor not taking legal proceedings for the punishment and prevention of bribery at the municipal elections; inference as to the expediency of its being some one's business to initiate proceedings, *Darvill* 546–560. 583–591. 710–722. 762–768. 810–825——Advantage of a public prosecutor with reference to cases of bribery, *ib.* 548. 710–722——Importance attached to a public prosecutor in cases of corruption at municipal elections, *Bleckly* 1094–1098 ——Want of a public prosecutor and of greatly increased facilities of punishment for corrupt practices, *Johnson* 2082, 2083. 2164, 2165.

Advantage if there were a public prosecutor as a check upon corrupt practices at Parliamentary elections, *Stanley* 2214. 2264–2267. 2306–2308. 2317–2320. 2390, 2391 ——Illustration at Liverpool of the want of a public prosecutor, *Forwood* 3396–3401 —— Necessity of a public prosecutor as well as a stipendiary magistrate for dealing with corrupt practices at municipal elections, *Darnton* 3618——Want of a public prosecutor for

Public Prosecutor—continued.

for dealing with personation at municipal elections, *Davies* 3682, 3683——Advantage if there were a public prosecutor who should deal with bribers, *ib.* 3735.

Statement to the effect that the judges do not consider themselves public prosecutors, *Sir S. Martin* 10649. 10652——Advantage of a public prosecutor in election matters, except that there would always be suspicions of bias, *Sir C. Blackburn* 12085, 12086, 12092.

Conclusion, in Draft Report of Chairman of the Committee, adverse to the appointment of a public prosecutor with reference to municipal elections, *Rep.* xvi.

See also *Petitions.*

R.

Radnor Boroughs. Pure character of the late election for the Radnor contributory boroughs, *Cheese* 5155, 5156.

Raleigh, Richard. (Analysis of his Evidence.)—Confirmaton of Mr. Murphy's evidence as to the occurrence of riots and bribery at the Limerick municipal election of 1865; serious damage done to houses, 5553-5568. 5596-5599——Details relative to the employment of hired mobs at the Parliamentary elections; expediency of a suppression of the evil, 5569, 5570. 5573. 5578-5582. 5614 *et seq.*——Instances of voters having complained of coercion by their landlords, 5571, 5572——Exceptional circumstances which caused the excitement at the municipal election in 1865; 5575-5577. 5611-5613.

Opinion as to the efficacy of the ballot as a means of preventing the system of hired mobs, 5578, 5579. 5652, 5653——Action of the mobs in intimidating the voters, and in damaging their houses, 5580-5582. 5592-5595. 5642-5651——Very great influence exercised by the priests, who come between the landlord and the voter, 5584-5586. 5602-5607——Circumstance of Sir Peter Tait not having regularly come forward as a candidate for Limerick, 5608-5611.

Particulars relative to the hiring of the mobs, the men employed being generally without character, 5614-5624——Statement as to the priests not having actively interfered to prevent the employment of mobs, 5625-5641——Information relative to the extent of injury and violence committed by the mob at the last election; absence of violence on the polling day, or after the election was over, 5642-5651. 5654-5657.

Re-appointment of Committee. Recommended re-appointment of the Committee next Session for the purpose of considering their Report, with a view to early legislation, *Rep.* iii. xx.

Register of Voters. Suggestion as regards Parliamentary elections that no voter's name should appear on the register more than once, *Butler* 480.

Registration. Expediency of simplifying the registration as being a source of annual expense, *Davies* 3697.

Richardson, Thomas. (Analysis of his Evidence.)—Is in the employment of the London and North Western Railway Company at Carlisle, 12541——Particulars relative to a meeting of the Company's men at the Carlisle works, recently called in order to repudiate the evidence of Mr. Irving, that they had been unduly influenced by Mr. Hodgson, in respect of their votes at the borough election; unanimity at this meeting which was attended by about 140 men, 12542-12555. 12559. 12572-12575. 12593-12600. 12608-12637——Frequent statement by Mr. Hodgson, when canvassing the men, that they were at liberty to vote as they pleased, 12556-12558.

Belief as to the political opinions of the Company's men being fairly represented by the large majority which voted for Mr. Hodgson, 12560-12571. 12601-12604——Statement as to witness's wages having been stopped for a week when canvassing for Mr. Hodgson, 12576-12582. 12588-12592——Reference to the temporary dismissal of a workman named McGrath, as not having been owing to his vote at the election, 12605-12607. 12616-12619.

Riots. See *Ballot* II., 5. 15. *Blackburn. Bristol,* 2. *Cardiff. Chippenham. Declaration of the Poll. Drogheda. Ireland. Limerick City. Mobs. Monmouthshire. Nominations. Public-Houses. Sligo County,* 1. 3. *South Australia,* 8. *Victoria,* 2.

Roman Catholic Clergy. See *Dublin City and County,* 2. *Ireland. Limerick City. Monaghan County. Sligo County,* 3.

Report, 1869—*continued.*

ROXBURGHSHIRE:

1. *Charge against Lord Lothian in respect of the Non-renewal of a Tenant's Lease, through his having voted at the County Election against his Lordship's Brother.*
2. *Explanatory Statement by Lord Lothian's Agent.*
3. *Counter-Statement by the Tenant in Question.*
4. *Letter on the Subject from Lord Lothian.*
5. *Influence otherwise exercised at the Election by Lord Lothian.*
6. *Generally as to the Influence exercised on both Sides.*

1. *Charge against Lord Lothian in respect of the Non-renewal of a Tenant's Lease through his having voted at the County Election against his Lordship's Brother:*

Particulars of a case in Roxburghshire, in which a tenant who was about to get a renewal of his lease, was refused a lease altogether, because he had not voted a certain way at the general election, *Russel* 5813, 5814——Submissive letter sent by this tenant to his landlord, but without receiving any answer, *ib.* 5814——Eminence of the farmer in question as an agriculturist, *ib.*

Further statement as regards the Roxburgshire case, that the question of rent, and the conditions of the lease, were all settled when the landlord refused to renew, *Russel* 5936–5938.

2. *Explanatory Statement by Lord Lothian's Agent:*

Details relative to the refusal of Lord Lothian, through witness, to renew the lease of Timpendean farm to Mr. Scott, *Otto* 7277 *et seq.*——Denial that the cause assigned by Lord Lothian to witness, or by witness to Mr. Scott, for such refusal was that Mr. Scott had voted against his Lordship's brother at the Roxburgshire election, *ib.* 7278——The farm was surveyed by witness, and a report prepared in draft, but there had been no negotiations as to a renewal of the lease, nor was any rent mentioned, *ib.* 7285–7294. 7302–7308. 7431–7437——Instructions given by Lord Lothian to the effect that he did not intend to renew Mr. Scott's lease; no reason was assigned, but witness inferred that private reasons were the cause irrespectively of Mr. Scott's vote, *ib.* 7294, 7295. 7317–7325. 7373. 7396–7401. 7426–7430. 7488–7490.

Character of the conversation between witness and Mr. Scott, when the latter was informed that this lease would not be renewed; reference made by the latter to the part taken by him at the elections, *Otto* 7296, 7297——Letter from Mr. Scott to witness, dated 11th December 1868, on the subject of his vote, *ib.* 7298–7301——Denial that before the election witness held out any inducement to Mr. Scott to vote for Lord Lothian's brother, *ib.* 7311. 7316.

Circumstance of Mr. Scott having spoken disrespectfully of Lord Lothian's family at a farmer's dinner at Harwich; probability of this having caused the non-renewal of his lease, *Otto* 7321–7325. 7362–7373. 7389–7393. 7410. 7424, 7425. 7491–7496. 7503–7505 —— Examination relative to a letter from Mr. Scott to Lord Lothian with reference to the non-renewal of the lease; explanation as to this letter not having been answered, *ib.* 7332–7337. 7355–7359. 7407–7409. 7481–7487——Desire expressed by Lord Lothian that witness should attend the Committee, and explain that the refusal to renew the lease was not through the voting of Mr. Scott, *ib.* 7338–7340. 7402–7406.

Further details on various points connected with Mr. Scott's case, witness further denying that the decision not to renew his lease was a direct result of the part taken by him in the county election, *Otto* 7360 *et seq.*——Statement to the effect that Mr. Scott is not a first-class farmer, *ib.* 7417–7419. 7458. 7596.

Further statement that witness never told Mr. Scott that his lease would not be renewed because he had voted against Lord Schomberg Kerr; inference to this effect made by Mr. Scott himself, *Otto* 8043–8045. 8051, 8052. 8080–8083——Denial that witness told Mr. Scott's brother that Lord Lothian regretted his decision not to renew, *ib.* 8048–8050 —— Conditions and improvements spoken of when witness surveyed Mr. Scott's farm; denial, however, that certain work was subsequently done by Mr. Scott in posittve expectation of a continuance of his lease, *ib.* 8053–8056. 8091–8093.

Conversation of witness with Lord Lothian further adverted to; the latter assigned no reason for his decision not to renew the lease, and had not before him witness's report on the farm, *Otto* 8057–8071. 8078, 8079. 8086–8090——Denial that witness's report was directly favourable to a renewal, or that he told Mr. Scott everything was ready for renewal, *ib.* 8061–8068. 8072–8077——Further reference to the existence of private reasons as sufficient to account for Lord Lothian's decision; circumstance of this cause not having been mentioned to Mr. Scott, *ib.* 8083. 8094–8097.

3. *Counter-*

ROXBURGHSHIRE—continued.

3. *Counter-Statement by the Tenant in Question:*

Denial of the accuracy of Mr. Otto's statement that, at a meeting at Harwich, before the last election for Roxburghshire, witness spoke disrespectfully of the Marquis of Lothian or his family, *Scott* 7911–7915. 7964–7973. 8033–8042——Denial also of Mr. Otto's evidence that no reason was assigned when witness received notice to quit his farm; distinct statement by Mr. Otto that the lease would not be renewed because witness had voted against Lord Lothian's brother, *ib.* 7916–7923. 7934–7946. 8004–8006——Statement by Mr. Otto that his report was all ready for Lord Lothian's approval, *ib.* 7619.

Further statement by Mr. Otto to witness's brother as to the cause of non-renewal, *Scott* 7921–7923——Copy of letter from witness to Lord Lothian, dated 16th December 1868; this letter was directly in consequence of Mr. Otto's statement that the lease would not be renewed, *ib.* 7927–7933. 7974–7981——Witness made the foregoing copy at the time the letter was sent, *ib.* 7927, 7928.

Survey of the farm by Mr. Otto previously to the election; conditions as to renewal were then proposed, but nothing was said about rent, *Scott* 7947–7952——Circumstances under which witness induced another Liberal voter not to poll against Lord Lothian's brother in order to neutralise his own vote, *ib.* 7953–7963——Surprise of witness on hearing that his lease would not be renewed because of his vote; good terms existing at the time between himself and his landlord and agent, *ib.* 7982–7996——Statement as to witness having performed certain work on the farm in 1868 at the suggestion of Mr. Otto in prospect of renewal of lease, *ib.* 7999–8003. 8015–8032——Mention of several persons to whom witness at once repeated Mr. Otto's statement as to the cause of the lease not being renewed, *ib.* 8007–8014.

Explanatory statements on the subject of certain omissions in the copy of witness's letter to Lord Lothian; witness repeats that the copy was made when the letter was sent, and asserts that the omissions are purely accidental, *Scott* 8327 *et seq.*——Statement on the subject of the circulation in witness's neighbourhood of incorrect copies of his letter to Lord Lothian; these copies were taken without his knowledge, *ib.* 8339–8373.

Reference to a letter from Otto to witness, in October 1868, as indicating that he was about to survey the farm with reference to a renewal of the lease, *Scott* 8384, 8385——Belief as to Mr. Otto being the only person consulted by Lord Lothian relative to the letting of his farms, *ib.* 8386, 8387.

4. *Letter on the Subject from Lord Lothian:*

Letter from Mr. Russell to the Chairman of the Committee, enclosing letter from the Marquis of Lothian to the editor of the "Scotsman," in which it is admitted that the vote of Mr. Scott at the election was one of the reasons why he did not get a renewal of his lease, *App.* 591, 592.

5. *Influence otherwise exercised at the Election by Lord Lothian:*

Statement by the factor to the tenant in the foregoing case, that the landlord had decided not to give another lease o any tenant on his property who would vote against his (the landlord's) party, *Russel* 5814.

Denial that witness ever intimated to Mr. Scott, or any other tenant of Lord Lothian, that they must vote as his Lordship wished, nor did Lord Lothian ever give instructions to that effect, *Otto* 7309, 7310——Expiration in 1869 of the leases of four farms of Lord Lothian; renewal of these to the sitting tenants, two of whom had voted for the Liberal candidate, *ib.* 7326–7331. 7455–7464. 7501, 7502——Very few tenants of Lord Lothian canvassed by witness before the Roxburgshire election; no pressure was exercised, *ib.* 7341–7343. 7376–7381. 7386–7388. 7413–7416. 7470–7472.

Explanation that as regards two farms of Lord Lothian which were re-let to Liberal voters, that the agreements for renewal were made long before the election, *Scott*, 7924–7926——Exceptional instance in witness's case of non-renewel of lease by Lord Lothian on political grounds, *ib.* 7997, 7998.

With regard to the two farms re-let to Liberal voters, the agreements for these were made long before the election, *Otto* 8084, 8085.

6. *Generally as to the Influence exercised on both Sides:*

Belief that there was no pressure by any of the landlords in the county, *Otto* 7344——Considerable mob intimidation on the Liberal side, *ib.* 7345–7347——Coercion in the villages by the Liberals, *ib.* 7348–7351. 7382–7385——Active part taken in the election by the Dissenting ministers, *ib.* 7352–7354.

Report, 1869—*continued.*

Russel, Alexander. (Analysis of his Evidence.)—Resides at Edinburgh; is editor and part proprietor of the "Scotsman" newspaper, 5770-5772——Statement that corruption in a pecuniary form is almost entirely unknown at municipal and Parliamentary elections in Scotland, 5773-5787. 5798——Very pure character for several years past of the municipal and Parliamentary elections in Edinburgh, 5778. 5785-5787——Several causes to which the comparative purity of Scotch elections is attributable, 5788, 5789. 5884-5891——Importance of the constituencies, as created by the Reform Act of 1832, having been entirely new, and having no tradition of bribery, 5788, 5789——Very little intimidation or undue influence brought to bear in the boroughs, 5790-5796.

Similar absence of bribery at both county and borough elections, 5797, 5798—— Considerable amount of intimidation and undue influence on the part of landlords as regard the county elections; particular instances of this, 5798-5817——Social discontent of farmers in Scotland, whilst the questions of hypothec and game have also largely operated in separating them from the landlords, and in influencing their votes, 5800. 5803. 5896. 5905-5913. 5943-5948.

General system of nineteen years' leases in Scotland, the farmers however being liable to pressure from their landlords in respect of repairs, and as the leases approach termination, 5801, 5802——Several counties in which the tenants largely voted in direct opposition to the wishes of their landlords, 5803——Opportunities of witness for becoming conversant with cases of pressure by landlords in the counties of Dumfries and Roxburgh, at the last election; publicity of these cases, 5804-5813. 5892, 5893.

Particulars of a case in Roxburghshire in which a tenant who was about to get a renewal of his lease was refused a lease altogether because he had voted a certain way at the general election, 5813, 5814—— Statement by the factor to the tenant in the foregoing case, that the landlord had decided not to give another lease to any tenant on his property that would vote against his (the landlord's) party, 5814——Submissive letter sent by this tenant to his landlord, but without receiving any answer, *ib.*——Eminence of the farmer in question as an agriculturist, *ib.*

Numerous class of new county voters created in Scotland by the late Reform Act; less independent character of these in some counties than of the old voters, 5818, 5819—— Grounds for recommending the adoption of the ballot in Scotland, one important advantage being that it would prevent or diminish the importunate canvassing which now prevails, 5820, 5821. 5924. 5828-5832. 5940-5942. 5949. 5953. 5958-5964—— Objectionable canvassing by ladies at the county elections; frequent instances of loss of custom by Liberal tradesmen through their votes, 5821-5827. 5831. 5939——Pressure upon Conservative tradesmen in some districts, 5826. 5870.

Doubt as to the ballot having any effect in altering the relative proportion of Liberal and Conservative representatives in Scotland, 5831. 5864-5867——Very serious riots in some counties in former years; the mobs were then and are now all on the Liberal side, 5833-5839. 5856-5862. 5868——Particulars relative to the practice of creating fictitious votes, as carried out in certain counties; evils of the practice, which is however on the decline, 5834. 5840-5842. 5925-5928. 5930-5932.

Objections to the abolition of public nominations in Scotland; orderly manner in which conducted, 5843-5855——Vile habit of the Scotch mobs in regard to spitting upon adverse voters, 5857-5863. 5868, 5869——Active interest taken in the elections by the ministers of religion, other than those of the Established Church; there was not however any such exercise of undue influence as on the part of the landlords, 5871-5883. 5914-5916.

Revival of demand in Scotland for the ballot, 5897. 5964——Cessation, almost entirely, of Conservative contests for the boroughs, 5897. 5899-5904——Considerable expense of some of the Scotch elections, 5917-5924—— Great evil of canvassing further adverted to, 5920, 5921. 5924. 5959-5962——Very little expenditure at the elections in drink or treating, 5922, 5923——Increasing practice of putting up farms to the highest bidder, thus being one cause of the change of relations between landlord and tenant, 5933-5935.

Further statement, as regards the Roxburghshire case, that the question of rent and the conditions of the lease were all settled when the landlord refused to renew, 5936-5938——Expected secrecy as to the tenant's vote under the operation of the ballot, 5949-5952——Loose system of licensing public-houses in Scotland; abuse on this score in respect of the publicans' votes, 5954-5957.

Russel, A. Letter from Mr. Russel, dated 14th June 1869, enclosing copy of letter from the Marquis of Lothian, as corroborating certain evidence of himself (Mr. Russel) and Mr. Scott, *App.* 591.

Report, 1869—*continued.*

S.

Salford. Considerable amount of public-house expenditure at the Salford election of 1868 on the polling day, *Sir S. Martin* 10521.

Certificate and report by Mr. Justice Martin, in the matter of the Salford election petition, *App.* 574.

Saville, James. (Analysis of his Evidence.)—Was secretary of the Anti-screw Association formed at Staleybridge before the last election for preventing intimidation of voters, 2441, 2442. 2477; 2478——Subscription of about 160 *l.* to the funds of the association, 143 *l.* having been paid to thirty-eight men discharged by their employers for having voted on the Conservative side, 2443, 2444——Inquiry made, or conditions required, by the association before making any payment, 2445–2453.

Adoption of some legal proceedings at Staleybridge for intimidation; regret that these were eventually abandoned, though they had some beneficial effect, 2454–2465. 2479–2481——Grounds for objecting to the ballot at the municipal elections, though some remedy against intimidation is very essential, 2469-2476. 2482, 2483——Approval of the law being made more stringent, and being readily enforced, 2476——Particulars in connection with the subscriptions to the funds of the Anti-screw Association, 2484–2500.

SCOTLAND:

1. *Almost Total Absence of Bribery and Treating at Scotch Elections.*
2. *Undue Influence at County Elections, on the part of Landlords and Others.*
3. *Very little Undue Influence in Boroughs.*
4. *Influence of Mobs on the Liberal Side.*
5. *Clerical Influence.*
6. *Expences of Elections.*
7. *Fictitious Votes.*
8. *Licensing System.*
9. *Demand for the Ballot.*

1. *Almost Total Absence of Bribery and Treating at Scotch Elections:*

Statement that corruption in a pecuniary form is almost entirely unknown at municipal and Parliamentary elections in Scotland, *Russel* 5773–5787. 5798——Several causes to which the comparative purity of Scotch elections is attributable, *ib.* 5788, 5789. 5884–5891——Importance of the constituencies, as created by the Reform Act of 1832, having been entirely new, and having no tradition of bribery, *ib.* 5788, 5789——Effect of improved education, and of the interest taken in political matters, in preventing corrupt practices, *ib.* 5788. 5884–5891——Similar absence of bribery at both county and borough elections, *ib.* 5797, 5798——Very little expenditure at the elections in drink or treating, *ib.* 5922, 5923.

Probability of the absence of bribery in Scotland, being owing to the better education and better religious influence than in England, *M'Gowan* 6178–6183.

Reference in Draft Report of Chairman of the Committee to the almost total absence of bribery at Scotch elections, *Rep.* xvii.

2. *Undue Influence at County Elections, on the part of Landlords and Others:*

Considerable amount of intimidation and undue influence on the part of landlords as regards the county elections; particular instances of this, *Russel* 5798–5817——Social discontent of farmers in Scotland, whilst the questions of hypothec and game have also largely operated in separating them from the landlords, and in influencing their votes, *ib.* 5800. 5803. 5896. 5905–5913. 5943–5948——General system of nineteen years' leases in Scotland, the farmers however being liable to pressure from their landlords in respect of repairs, and as the leases approach termination, *ib.* 5801, 5802——Several counties in which the tenants largely voted in direct opposition to the wishes of their landlords, *ib.* 5803.

Numerous class of new county voters created in Scotland by the late Reform Act; less independent character of these in semi-counties than of the old voters, *Russel* 5818, 5819——Objectionable canvassing by ladies at the county elections; frequent instances of loss of custom by Liberal tradesmen, *ib.* 5821–5827. 5831–5939. 5920, 5921. 5924. 5959–5962——Pressure upon Conservative tradesmen in some districts, *ib.* 5826. 5870——Increasing practice of putting up farms to the highest bidder, this being one cause of the change of relations between landlord and tenant, *ib.* 5933–5935.

3. *Very little Undue Influence in Boroughs:*

Slight extent to which intimidation or undue influence is brought to bear in the boroughs, *Russel* 5790–5796——Cessation almost entirely of Conservative contests for the boroughs, *ib.* 5897. 5899–5904.

Report, 1869—*continued.*

SCOTLAND—continued.

4. *Influence of Mobs on the Liberal Side:*

Very serious riots in some counties in former years; the mobs were then and are now all on the Liberal side, *Russel* 5833-5839. 5856-5862. 5868——Vile habit of the Scotch mobs in regard to spitting upon adverse voters, *ib.* 5857-5863. 5868, 5869.

5. *Clerical Influence:*

Active interest taken in the elections by the ministers of religion, other than those of the Established Church; there was not however any such exercise of undue influence as on the part of the landlords, *Russel* 5871-5883. 5914-5916.

6. *Expenses of Elections:*

Considerable expense of some of the Scotch elections, the cost of conveyance to the poll being a heavy item of expense, *Russel* 5917-5924.

7. *Fictitious Votes:*

Particulars relative to the practice of creating fictitious votes, as carried out in certain counties; evils of the practice, which is however on the decline, *Russel* 5834. 5840-5842. 5925-5928. 5930-5932.

8. *Licensing System:*

Loose system of licensing public houses in Scotland; abuse on this score in respect of the publicans' votes, *Russel* 5954-5957.

9. *Demand for the Ballot:*

Grounds for recommending the adoption of the ballot in Scotland, one important advantage being that it would prevent or diminish the importunate canvassing which now prevails, *Russel* 5820, 5821. 5924. 5828-5832. 5940-5942. 5949-5953. 5958-5964——Doubt as to the ballot having any effect in altering the relative proportion of Liberal and Conservative representatives in Scotland, *ib.* 5831. 5864-5867——Revival of demand in Scotland for the ballot, *ib* 5897. 5964.

See also *Dumfriesshire. Roxburghshire.*

Scott, William. (Analysis of his Evidence.)—Is a tenant of the Marquis of Lothian, and also occupies very largely under other landlords, 7905-7910——Denial of the accuracy of Mr. Otto's statement, that at a meeting at Harwick, before the last election for Roxburghshire, witness spoke disrespectfully of the Marquis of Lothian or his family, 7911-7915. 7964-7973. 8033-8042——Denial also of Mr. Otto's evidence, that no reason was assigned when witness received notice to quit his farm; distinct statement by Mr. Otto that the lease would not be renewed, because witness had voted against Lord Lothian's brother, 7916-7923. 7934-7946. 8004-8006.

Statement by Mr. Otto that his report was all ready for Lord Lothian's approval, 7919——Further statement by Mr. Otto to witness's brother as to the cause of non-renewal, 7921-7923——Explanation as regards two farms of Lord Lothian which were re-let to Liberal voters, that the agreements for renewal were made long before the election, 7924-7926.

Copy of letter from witness to Lord Lothian, dated 16th December 1868; this letter was directly in consequence of Mr. Otto's statement, that the lease would not be renewed, 7927-7933. 7974-7981——Witness made the foregoing copy at the time the letter was sent, 7928, 7929——Survey of the farm by Mr. Otto previously to the election; conditions as to renewal were then proposed, but nothing was said about rent, 7947-7952——Circumstances under which witness induced another Liberal voter not to poll against Lord Lothian's brother, in order to neutralise his own vote, 7953-7963.

Surprise of witness on hearing that his lease would not be renewed because of his vote; good terms existing at the time between himself and his landlord and agent, 7982-7996——Exceptional instance in witness's case of non-renewal of lease by Lord Lothian on political grounds, 7997, 7998——Statement as to witness having performed certain work on the farm in 1868, at the suggestion of Mr. Otto, in prospect of renewal of lease, 7999-8003. 8015-8032——Mention of several persons to whom witness at once repeated Mr. Otto's statement as to the cause of the lease not being renewed, 8007-8014.

[Second Examination.]—Explanatory statement on the subject of certain omissions in the copy of witness's letter to Lord Lothian; witness repeats that the copy was made when the letter was sent, and asserts that the omissions are purely accidental, 8327 *et seq.* ——Statement on the subject of the circulation in witness's neighbourhood of incorrect copies of his letter to Lord Lothian; these copies were taken without his knowledge, 8339-8373.

Reference to a letter from Mr. Otto to witness, in October 1868, as indicating that he was about to survey the farm, with reference to a renewal of the lease, 8384, 8385——Belief as to Mr. Otto being the only person consulted by Lord Lothian relative to the letting of his farms, 8386, 8387.

Scrutiny. Advantage of open voting as facilitating the amendment of a fraudulent return by means of a scrutiny, *Fitzgerald* 10890.

See also *Ballot*, III. *South Australia*, 4. *Victoria*, 1.

Secret Voting. See *Ballot.*

Sligo Borough. Certificate and report by Mr. Justice Keogh in the matter of the Sligo borough election petition, *App.* 587, 588.

Sligo County:

1. *As to the Employment of Troops and Escorts at the Election in* 1868.
2. *Action of the Landlords.*
3. *Action of the Roman Catholic Clergy, and of the Mobs.*
4. *Action of the Magistrates.*
5. *Withdrawal of the Petitions against the Return of the Sitting Members.*

1. *As to the Employment of Troops and Escorts at the Election in* 1868:

Very bad effect produced by the extensive employment of the military and police in escorting unwilling voters to the poll; belief of the people that Government intimidation as well as landlord coercion was intended, *McDermot* 8522 *et seq.*; 8640, 8641. 8716, 8717——Statement as to escorts having been asked for and granted several days before the election, *ib.* 8523–8531. 8547. 8654. 8658——Particulars relative to an escort which went to Ballymote six days before the election, without succeeding in getting a single voter to accompany them, *ib.* 8530-8546. 8633–8641——Reference to an escort three days before the election, which took the voters a circuitous route for the purpose of display, *ib.* 8547–8551.

Total of twenty-four escorts sent out during the election; very few voters who submitted to be escorted, *McDermot* 8555–8592——Instances of five escorts sent out without sworn informations; application or requisition necessary in these cases as in others, *ib.* 8557. 8631, 8632——Objectionable character of the informations on which some escorts were provided, *ib.* 8563-8573.

Belief as to the Government officials in Sligo having had intimidation in view in the employment of military escorts, *McDermot* 8622, 8623. 8640. 8641——Failure of the escort system, witness for one impressing upon the people that they need not accompany the escorts, *ib.* 8642–8649——Probability of escorts having been demanded by the landlords, through the tenants stating that they were afraid to go to the poll on the Conservative side, *ib.* 8715-8718.

Very severe character of the contest in Sligo, there having been two Conservative candidates and one Liberal candidate, *Percy* 11061, 11062——Reference to an application to witness by Mr. Ffolliott for an escort for some voters, such escort not having been subsequently required, *ib.* 11065–11067——Evidence in detail relative to an escort granted by witness at Ballymote several days before the election, for the protection of an agent named Lang, in going to "warn" some voters of Colonel Cooper; explanation that witness never intended that this escort should bring back voters, *ib.* 11068–11129.

Disturbed state of the district about Ballymote when witness arrived there a fortnight before the election, *Percy* 11100—— Circumstances connected with the escort by witness of some voters from Tobercurry to Ballymote two days before the election; previous protection of these men at the former place, *ib.* 11130–11141. 11441–11445——Numerous car loads of voters escorted by witness on one occasion, these having been brought by an agent, *ib.* 11142–11144. 11193–11120——Statement as to witness having granted an escort for some voters from the railway station at Ballymote without any sworn information, *ib.* 11145–11150.

Explanation relative to the escort granted in the case of some Protestant voters from Mr. O'Hara's place at Coolaney, *Percy* 11151–11162. 11174–11178. 11389–11402—— Considerable force of military and police in the Ballymote polling district, *ib.* 11173—— Inaccuracy of a statement by Mr. McDermot, that an escort went a circuitous route for the sake of display or intimidation, *ib.* 11186. 11278, 11279——Care taken by witness to show that the voters being escorted were not under restraint, *ib.* 11187, 11188. 11192–11219.

Belief that the voters in Sligo did not conceive the escorts were meant by Government for intimidation; injustice of any such impression or insinuation, *Percy* 11201. 11260. 11348–11351——Further statement as to witness having granted escorts on the representations of agents and others, and without sworn informations, *ib.* 11271, 11272. 11403–11406. 11446–11456. 11460–11480——Very few escorts granted by witness; necessity of these, *ib.* 11296–11298. 11386–11388——Statement relative to the large force provided by Government at the election, and the applications made to them on the subject by the magistrates, *ib.* 11307–11314. 11355–11368——Steps taken at the election to keep clear the passage to the poll, *ib.* 11329–11333.

Report, 1869—*continued.*

***Sligo County*—continued.**

1. *As to the Employment of Troops and Escorts, &c.*—continued.

Peculiarly disturbed state of the county of Sligo at the time of the election; necessity of protection for the Conservative voters, *Right Hon. J. W. Patten* 11841–11862—— Explanation relative to the employment of the constabulary in Sligo in escorting voters from the country some days before the polling, *ib.* 11842–11850——Denial of a statement by the Rev. Mr. McDermot as to an escort having gone a roundabout way for the sake of display. *ib.* 11863–11865.

Examination with further reference to the disturbed state of Sligo county at the time of the election, and in defence of the course pursued as regards the use of escorts for the protection of Conservative voters, *Right Hon. J. W. Patten* 11888–11931.

2. *Action of the Landlords:*

Great intimidation practised by Conservative landlords at the election for Sligo county in 1868; several instances cited, *McDermot* 8500-8511 —— Circumstance of Mr. O'Conor (the Liberal candidate) and witness having advised several tenants to vote on the Conservative side in order to escape subsequent punishment by their landlords, *ib.* 8504. 8510, 8511——Instances of tenants having privately asked for threats in order to justify them to their landlords for voting against their wishes, *ib.* 8515–8511.

Rare instances of landlord intimidation having been followed up by eviction, *McDermot* 8711, 8712. 8719, 8720——Doubt as to any tenants intimating to their landlords that there had better be some show of coercion, else they should be constrained to vote on the other side, *ib.* 8713, 8714—— Good landlords in Sligo as a rule, witness complaining of the system of intimidation, and not of individual coercion, *ib.* 8719-8721.

Action of agents in collecting the voters, *Percy* 11194–11199. 11315-11317—— Statement as to some voters having told witness they were afraid either of eviction on the one hand or of the priest on the other, *ib.* 11202–11205. 11352-11354. 11413–11434——Reference to a certain confidential report by witness as containing an explanation on the subject of an undue interference by landlords with some voters at the Sligo election, *Lord Strathnairn* 11747. 11750.

3. *Action of the Roman Catholic Clergy, and of the Mobs:*

Popular intimidation of voters at the Sligo election with a view to their not yielding to landlord coercion, *M'Dermot* 8512-8514. 8650——Evidence in explanation and justification of the active part taken by witness and the Roman Catholic clergy on the Liberal side, *ib.* 8576–8590. 8611–8615. 8659–8674. 8691–8710——Offer made by witness to the landlords that both priests and landlords should abstain from influencing the election, *ib.* 8582. 8716.

Denial that the priests, in addressing the people in chapel, have used words of denunciation, *McDermot* 8691-8699—— Statement as to the priests having sometimes addressed the people in the churchyards on the Sunday before the polling as to their duty at the election, *ib.* 8697–8708.

Evidence showing that several outrages were committed against the property of voters on the Conservative side, some voters also having been personally injured, *Percy* 11202, 11203. 11206–11236. 11407–11412—— Fearful excitement at the election; this was owing partially to the harangues of the Roman Catholic clergy, *ib.* 11299-11302—— Action of the mob and of the priests on the Liberal side, *ib.* 11361–11365.

4. *Action of the Magistrates:*

Comment upon the partial conduct of one of the stipendiary magistrates at the last election, *M'Dermot* 8624–8627. 8722, 8723.

Statement that no complaints were made of witness's conduct at the election, *Percy* 11338. 11345, 11346—— Ordinary character of the instructions received by witness from the Government when ordered to Ballymote: his general duty was to do all in his power to preserve peace within the district, *ib.* 11163-11172. 11261–11270. 11308, 11309—— Denial that it was any part of witness's duty to bring voters to the poll against their will, *ib.* 11347. 11366–11374.

Particulars relative to a meeting of magistrates and of agents on the Conservative side at which the question of escorts was considered, *Percy* 11452, 11453. 11460–11480—— Reports made by witness to Government on the subject of the election, he being directly responsible for his action in the matter, *ib.* 11481–11489.

5. *Withdrawal of the Petitions against the Return of the Sitting Members:*

Report by Chief Justice Monahan relative to the withdrawal of the petitions in the case of the county election, *App.* 588.

Report, 1869—*continued.*

SOUTH AUSTRALIA (BALLOT):

1. *As to the Introduction of the Ballot in the Colony.*
2. *Nomination of Candidates.*
3. *Public Addresses by Candidates, and practice as to Canvassing.*
4. *Detailed Arrangements for working the Ballot.*
5. *Effect as regards Bribery.*
6. *Effect as regards Intimidation.*
7. *Checks upon Personation.*
8. *Effect as regards Rioting.*
9. *Effect as regards Treating.*
10. *Effect as regards Expense.*
11. *Question as to Secrecy being Secured.*
12. *Practice as to the Declaration of the Poll.*
13. *Petitions.*
14. *General Satisfaction given by the Ballot in the Colony.*
15. *Municipal Elections.*
16. *Other Details generally.*

1. *As to the Introduction of the Ballot in the Colony:*

Witness was strongly opposed to the introduction of the ballot in South Australia, and as member of the Government did all in his power to prevent its adoption, *Torrens* 8726. 8845. 8853——The ballot was adopted in 1856, having been called for by public opinion as a remedy for the bribery, treating, intimidation, and rioting, which prevailed under the system of open voting, *ib.* 8726-8733. 8767-8769. 8845-8855——Separate Acts for the ballot and the suffrage, *ib.* 8926.

Credit taken by witness for being the father of the ballot in Australia; no act of his political life has given him so much satisfaction, *Dutton* 9167, 9168——Statement as to the circumstances attending the adoption of the ballot in the colony; how the details were settled, *ib.* 9302-9312.

2. *Nomination of Candidates:*

Satisfactory arrangements with reference to the nomination of candidates, no public speeches being allowed, and their being no rioting or disturbance, *Torrens* 8742, 8743. 8780-8783. 8903-8905. 8939-8942——Nomination of the candidates on the day of election, *ib.* 8743.

3. *Public Addresses by Candidates, and practice as to Canvassing:*

Prohibition upon public addresses by candidates for two days before the election, so as to prevent disturbance, *Torrens* 8742. 8780-8782. 8906——Practice as to public meetings before the elections, there being also some personal canvassing, but not nearly to the same extent as in this country, *ib.* 8774-8777. 8830-8832. 8856-8858. 8898-8902. 8922-8925.

Opportunities of the candidates for addressing the electors within twenty-four hours of the election, there being, however, a prohibition upon canvassing by candidates, *Dutton* 9039. 9068, 9069. 9179-9209. 9245. 9291-9296——System of canvassing in the colony by the candidates' friends or agents; there has been less of this since the ballot, *ib.* 9203-9208. 9241-9244. 9294-9298. 9316.

4. *Detailed Arrangements for working the Ballot:*

Delivery of a voting card to each voter, who retires into a sort of sentry box and puts a mark opposite the name of the candidate whom he supports, *Torrens* 8743, 8744——The card is then folded by the voter, and dropped into the ballot box, which is locked, *ib.* 8744——Collection of the ballot boxes after the election, when the voting cards are examined, and the votes counted by the returning officer and scrutineers, after which there is a public declaration of the result, *ib.* 8744-8747. 8787-8789——Small proportion of lost votes; how these occur, *ib.* 8930-8932. 9001-9004——Destruction of the voting papers immediately after the declaration of the poll; question hereon whether proof of bribery is not thereby rendered very difficult, *ib.* 9005. 9007-9015.

Clause of the Electoral Act of 1858, explanatory of the arrangements laid down for the working of the ballot, *Dutton* 9028——Destruction of the voting cards immediately after the scrutiny, *ib.* 9046——Form of voting paper in use, *ib.*——Simplicity and efficiency of the machinery under the ballot, *ib.* 9135——Description of the process of ballot voting in the colony; belief as to their being no fraud in respect of voting papers, *ib.* 9186-9196——Rejection of many votes as being informal, *ib.* 9254-9256. 9353-9355.

Description of the points of difference between the ballot in Tasmania, New South Wales, and Victoria, on the one hand, and in South Australia on the other, *Sir C. W. Dilke* 10250, 10251. 10256.

5. *Effect as regards Bribery:*

Conclusion as to bribery, which was formrley very prevalent, having almost entirely disappeared under the ballot; exceptional instance to the contrary, *Torrens* 8736, 8737.

Report, 1869—*continued.*

South Australia (*Ballot*)—continued.

5. *Effect as regards Bribery*—continued.

8967. 8968. 8984. 9013——Absence of any imputations of bribery conditional upon the return of the candidate, *Torrens* 8927-8929.

6. *Effect as regards Intimidation.*

Way in which the ballot operates in Australia as a Conservative measure; that is in obviating coercion by mobs or trades unions, *Torrens* 8847, 8848. 8935, 8936. 8974-8978——Doubt as to any coercion of voters under the ballot, *Dutton* 9047, 9048.

7. *Checks upon Personation:*

Presence of scrutineers in the poling booth on behalf each candidate, so as to check personation; efficiency of this precaution, *Torrens* 8743. 8790-8794. 8797-8800, 8946-8948——Sufficiency of the checks and penalties in regard to personation, *Dutton* 9049-9052——Circumstance of an election not being voided by personation, the check upon personation being, however, very efficient, *ib.* 9252, 9253. 9257-9265.

8. *Effect as regards Rioting:*

Exceedingly beneficial effect of the ballot in the prevention of rioting at the elections in the colony; illustration of this at Adelaide, *Torrens* 8736. 8855. 8907. 8915, 8916——Absence not only of election riots, but of any attempt at forcible interference with the ballot boxes before the declaration of the poll, *ib.* 8859-8861. 8865-8869——Great disturbances formerly through the publication of the state of the poll, *ib.* 8871, 8872——Circumstance of witness having supported dual voting in Australia as a Conservative measure; excitement at the elections on this question, but without rioting or coercion, *ib.* 8907-8911. 8989-8992.

Very orderly conduct of the elections, though there is a good deal of political excitement, *Dutton* 9067. 9070-9072. 9127. 9132-9134. 9148, 9149——Very riotous character of the elections when the voting was open; disappearance of this under the ballot, *ib.* 9127. 9132-9134. 9183-9185. 9210-9221. 9251——The disappearance of rioting is not attributable to the extinction of one of the opposing political parties, but simply to the ballot, *ib.* 9183-9185.

9. *Effect as regards Treating:*

Great expenditure formerly in treating, whereas now there is no inducement to incur this expense, which is moreover illegal, *Dutton* 9127-9132. 9218-9221.

10. *Effect as regards Expense:*

Great diminution of candidates' expenses since the ballot has been in force; instance of this in witness's election for Adelaide, *Torrens* 8738, 8739. 8756, 8757. 8801-8803. 8969, 8970——Much less expense to candidates since the ballot, there being in fact no corrupt expenditure now, *Dutton* 9314, 9315. 9330-9339——Statement as to all the legal expenses of elections in South Australia being paid by the State, *ib.* 9340. 9345-9350. 9356-9358.

Return showing the total expenses of the general election of the present Parliament of South Australia, under various heads, *App.* 593.

11. *Question as to Secrecy being Secured:*

Statement that it is generally known how the electors vote, though there are exceptions to this rule; secrecy in fact is not now necessary as a prevention against bribery or coercion, as the notion of practising these evils has quite passed out of mind, *Torrens* 8754, 8755. 8778, 8779. 8833-8844. 8982-8985——Belief as to the voting in some districts being sometimes known before the general result is declared, *ib.* 8862-8864.

Correction of an inference drawn from Colonel Torrens's evidence that the ballot was not secret, *Dutton* 9030-9033——Inaccuracy also of an inference that the state of the poll became known before the declaration, *ib.* 9033-9036——Advantage of the state of the poll not being known, *ib.* 9133.

12. *Practice as to the Declaration of the Poll:*

Delay of a day or two before the declaration of the poll, *Torrens* 8744. 8759-8961——Public declaration of the state of the poll without the Members being present, and without any speeches being made, *ib.* 8784-8786. 8906. 8943-8945. 8963.

13. *Petitions:*

Exceptional instance of a petition in South Australia in witness's experience of the ballot there; doubt as to the means of proving the voting in such cases, the voting cards being destroyed immediately after the election, *Torrens* 8770, 8771. 8795, 8796. 9005. 9007-9015——Very rare instances of petitions, *Dutton* 9040, 9041——Explanation relative to a petition which was successful on the score of bribery, in the shape of travelling expenses of voters, *ib.* 9042-9045. 9085-9089——Information relative to the constitution and working of the court for the trial of petitions in South Australia; satisfactory result in the few cases hitherto tried, *ib.* 9111-9121.

14. *General*

Report, 1869—*continued.*

SOUTH AUSTRALIA (*BALLOT*)—continued.

14. *General Satisfaction given by the Ballot in the Colony:*

Perfect ease, smoothness, and facility, with which the ballot has worked in South Australia, whilst under it there is no bribery or undue influence, *Torrens* 8751. 8753——Universality of the feeling in the colony in favour of the ballot as at present conducted, it having been found to work admirably, *ib.* 8845, 8846. 8949-8952. 8979-8981——Opposition made to the ballot by witness as the leader of the Conservative party in the colony, whereas the feeling is now general in favour of the measure, *ib.* 8853. 8979-8981.

There was much opposition to the adoption of the measure, but now all parties approve of it, *Dutton* 9023, 9024——Conclusion as to the very beneficial operation of the system of secret voting in the colony, *ib*, 9077, 9078. 9127 *et seq.*——Continued unanimity of the colonial feeling in favour of the ballot, *ib.* 9145-9147.

15. *Municipal Elections:*

Use of the ballot at municipal elections in the colony as well as at the Parliamentary elections, *Torrens* 8953-8955.

16. *Other Details generally:*

Explanation of the mode in which the electoral roll is made up in South Australia, the practice being very similar to that in this country, *Torrens* 8740, 8741——Belief that a man who cannot read is prevented from voting; very few such men in South Australia, *ib.* 8748-8750. 8880. 8917-8921——There are thirty-six members in the Lower House, and twelve in the Upper, *ib.* 8772, 8773——Abolition of the former distinction between Liberals and Conservatives, since the adoption of the new constitution and of manhood suffrage and triennial Parliaments; there is in fact no longer a Conservative party, but the ballot has had nothing to do with this, *ib.* 8804-8808. 8986-8992. 8935.

Constant change of political opinion, and of the ministry, since universal suffrage, *Torrens* 8804-8810. 8814——Leading questions by which the two parties in the State are now distinguished; little popular excitement upon these subjects, *ib.* 8804-8810. 8988. 8935-8938——Very similar class of representatives elected under the ballot and universal suffrage, as under the previous system, *ib.* 8810-8813——General emulation among the candidates or members to obtain office, *ib.* 8810.

Large proportion of the electors who do not take the trouble of going to the poll; there has been little if any difference in this respect since the ballot, *Torrens* 8815-8823——Claims and solicitations by constituents in respect of patronage; means of the member for knowing that he had received the support of such claimants, *ib.* 8824-8830——There is a property qualification for the Upper House, the elections for both houses being conducted by the ballot, *ib.* 8873, 8874——Further explanation relative to the elective franchise in the colony, and the system of registration, *ib.* 8875-8877——Denial that the ballot has had the effect of inducing candidates to promise any greater expenditure of the public money, in order to gain votes, *ib.* 8882-8885.

Doubt as to any more frequent change of members by the constituencies in South Australia than in England, *Torrens* 8894, 8895——Division of Adelaide into three districts, each returning one member, *ib.* 8962. 8997, 8998——Varying class of men in the Colonial Legislature, the wealthier class alone not taken an active interest in politics, *ib.* 8971-8973——Similarity between some of the electoral districts in the colony and constituencies in England, several of the former constituencies being very small, *ib.* 8995 8996.

Very similar plan of registration of electors in South Australia and in England, *Dutton* 9026. 9055, 9056——Appointment by Government of the returning officer, the latter appointing the deputy returning officers, *ib.* 9026, 9027——Statement of the number of electors for the House of Assembly and for the Upper House respectively, and of the composition of each House; use of the ballot, *ib.* 9053-9066——Total of eighteen electoral districts returning two members each, there being two districts in Adelaide, *ib.* 9053, 9054. 9317-9319——Frequent re-election of the same men, *ib.* 9073-9076.

Disadvantage of those voters in the colony who live at a distance from the polling places, it being illegal to convey voters to the poll; this is unavoidable, *Dutton* 9103-9110. 9140-9145. 9150-9156——Average of from sixty to seventy per cent. of the electors who voted; similar proportion before the adoption of the ballot, *ib.* 9110. 9299-9301——Total of about nine per cent. of the electors who cannot read; decided objection to these having any assistance in order to enable them to vote, *ib.* 9121-9126. 9351, 9352.

Absence of similar political parties in the colony as in England; there are, however, opposing parties in the Legislative Assembly, *Dutton* 9164-9166. 9181, 9182. 9226-9228——Dissent from the view that the ballot has caused any deterioration in the constitution of the Legislative Assembly, or in the efficiency of the Government, *ib.* 9169-9189. 9246-9250. 9341, 9342——Denial that candidates generally promise to support a large expenditure of public money, *ib.* 9178-9180——Frequent changes of

Report, 1869—*continued*.

South Australia (*Ballot*)—continued.

16. *Other Details generally*—continued.

Administration, *Dutton* 9222——Local character of most of the questions at elections, *ib.* 9223, 9224.

Explanation of the legal provisions for dealing with corrupt practices, the Act of 1851 having been superseded by the Act of 1858, *Dutton* 9229–9240——Satisfactory operation of the ballot as regards the Irish population in the colony; absence of religious animosity or of undue pressure on the part of Roman Catholic clergy, *ib.* 9267-9290. 9343, 9344.

South Carolina (*Ballot*). See *United States*.

South-West Lancashire. Statement as to the want of facilities for increasing the number of polling places at the South-West Lancashire elections, *Forwood* 3301–3306. 3597, 3498.

Spaight, James. (Analysis of his Evidence.)—Is a magistrate and merchant at Limerick, and has had more than thirty years' experience of the elections for the city, 6817–6821 — Great violence at the election in 1837, when Mr. Monsell was the Conservative candidate, 6820–6824——Dreadful violence also at the election in 1852, the supporters of Mr. Russell having been in great danger, and the houses of many of them having been wrecked by the mob, 6825–6827——Return of Major Gavin at the election in 1858, he having been subsequently unseated on petition, and witness having come forward and been elected, 6828–6834.

Defeat of witness at the election in 1859, owing to the intimidation and violence which prevailed; failure, however, of the petition promoted by him on these grounds, 6835–6839. 7026–7030——Further contest of the city by witness in 1865, when he was again defeated owing to the violence displayed towards the Conservative side; reason for his not petitioning on this occasion, 6840–6842. 7031, 7032.

Evidence in detail relative to the extremely active part taken in the Limerick elections by the Roman Catholic secular clergy or parish priests; great intimidation exercised by them, 6843–6846. 6876, 6877. 6885–6896. 6985 *et seq.*——Practice of the priests as to addressing the people outside the chapels, 6846——Influence used by the priests in order that Sunday shall intervene between the day of nomination and of polling, 6847–6849 ——Circumstance of Mr. Murphy having been conducting agent for Mr. Ball, when Major Gavin was unseated for bribery, 6850.

Examination to the effect that at the last election there was no coalition between Sir Peter Tait and Mr. Pigott, and that the Conservative party did not support the latter, 6851-6862. 6924-6940. 7133-7138——Statement that Sir Peter Tait was not put forward by the Conservative party, and did not issue an address, 6860-6862. 6924-6929. 7136, 7137——Great intimidation of Sir Peter Tait's supporters on the election day; the town was, however, quiet up to about one o'clock, 6863-6868. 7120–7125——Practice of the landlords and their agents to accompany the tenants, escorts being necessary to protect them from the mobs, 6869–6872——Attacks made upon well-known Conservatives, as well as upon Roman Catholic voters who do not support the Liberal side, 6873-6876——Practice of wrecking Conservatives' houses as a means of intimidation, 6874. 7059, 7060——Necessary precautions taken by witness at election times, in order to prevent his house being wrecked; statement as to its having been wrecked in 1865, in the presence of the military, 6874. 7055–7062——Circulation by the Liberals of an Orange placard at the election of 1865, in order to create religious hatred, 6878–6880.

Evidence in support of the conclusion, that as regards the Limerick elections, the ballot would be no effectual check upon priestly influence and intimidation, though it might protect the voter against the landlord, 6881–6885. 6906-6912. 6950–6984. 7006. 7015–7025. 7076–7089. 7126–7132.

Great advantage if the clergy of all persuasions at Limerick could be debarred from taking any part in the elections, 6885——Grounds for the statement that the priests have been active, not only in the organization of mobs, but in the distribution of whisky to them, 6886-6895. 6985-6992——Very active part taken by the Roman Catholic bishop of Limerick in the last election, on the polling day, 6896——Further statement as to the inaccuracy of Mr. Murphy's evidence, that intimidation by mobs does not prevail on the polling day, 6897-6905. 7120-7125——Practice of bringing in the country voters the night before the polling, in order to avoid intimidation, 6898-6905.

Employment of mobs on both sides for canvassing; practice in this respect at the last election, 6913-6923. 6941-6949——Advantage of the ballot as tending to modify the intimidation by mobs, 6950–6955. 6993, 6994. 7075——Frightful scenes at the nominations at Limerick, it being very desirable to abolish nominations altogether, 6994, 6995. 7089-7092——Active part taken by the priests in the polling booths as agents, landlords or their agents not exercising any similar influence, 6999–7002. 7063–7074. 7096–7105. 7111, 7112—— Conclusion as to the poorer class of voters in the city voting generally as the priests wish, 7003–7014. 7040——Failure of the petition against the return for Limerick at the last election, 7033–7036—Large proportion of the constituency who are Roman Catholics, 7037–7040——Information relative to the steps taken by the authori-

ties

Report, 1869—*continued.*

Spaight, James. (Analysis of his Evidence)—*continued.*

ties for the prevention of violence, military and police being constantly employed, 7041–7058.

Question as to the side on which those voters would poll, who are now brought in from the country districts by their landlords, if they were entirely uncontrolled; belief that very many of them would not vote at all, 7080–7088. 7113–7117——Decided approval of the closing of public-houses on the day of election, 7093——Advantage if the wholesale distribution of drink, as at Limerick, could invalidate an election, 7094, 7095——Instances of intimidation in connection with the petition against the last election for Limerick, 7108–7110.

Spiritual Intimidation. Impression that spiritual intimidation comes within the definition in the Corrupt Practices Act, *Sir S. Martin* 10609–10611——Concurrence of witness with Mr. Justice Keogh in the view that spiritual intimidation comes within the fifth section of the Corrupt Practices Act, *Sir J. S. Willes* 10804.

See also *Ireland. Limerick City. Merionethshire. Sligo County*, 3.

Stafford. Reference to Stafford as a very corrupt place, *Sir C. Blackburn* 11957. 11975. 12011——Desire evinced by Mr. Alderman Pochin, one of the successful candidates at Stafford, to keep clear of all corrupt expenditure; reluctance with which witness unseated him on the score of intimidation, *ib.* 11957. 11960. 11962. 11975, 11976. 12011.

Form of voting card used at the Stafford test ballot, *App.* 602.

STALEYBRIDGE:

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections.*

Prevalence of intimidation and treating at the Staleybridge municipal elections; doubt as to bribery being resorted to, *Stanley* 2178–2181——Large expenditure at the elections, chiefly by one party, *ib.* 2182–2184——Conduct recently of the municipal elections with reference to the subsequent Parliamentary election, treating and undue influence having been largely practised at the former, *ib.* 2185, 2186. 2197–2204. 2239–2241——Particulars relative to the intimidation, as practised chiefly by the millowners and overlookers of the Radical party, *ib.* 2187–2196. 2231 *et seq.*

Information in connection with the Anti-Screw Association formed at Staleybridge, for the protection of Conservative voters in the mills, &c., *Stanley* 2209–2213. 2264–2267. 2297. 2392–2399. 2409–2412——Majority of the town councillors of Staleybridge on the Liberal side, intimidation being practised only by the Liberal millowners, *ib.* 2231–2249——Statement as to the Conservatives having been at one period in a majority in the town council, *ib.* 2280–2282——Further evidence on the subject of intimidation as practised by millowners on the Liberal side, *ib.* 2290–2305. 2409–2411——Beneficial effect of the legal steps taken for preventing intimidation, *ib.* 2298–2305——Varying wages of the mill hands, *ib.* 2321–2329.

Prevalence of treating at the municipal elections further adverted to, *Stanley* 2402–2406——Practice as to the holding of meetings by the candidates, and as to the canvass of the electors, *ib.* 2431–2438——Increased introduction of political feeling into the municipal elections on the probability of the borough having the Parliamentary franchise, *ib.* 2439, 2440.

Witness was secretary of the Anti-Screw Association formed at Staleybridge before the last election for preventing intimidation of voters, *Saville* 2441, 2442. 2477, 2478——Subscription of about 160 *l.* to the funds of the association, 143 *l.* having been paid to thirty-eight men discharged by their employers for having voted on the Conservative side, *ib.* 2443, 2444——Inquiry made, or conditions required by the association before making any payment, *ib.* 2445–2453——Adoption of some legal preceedings for intimidation; regret that these were eventually abandoned, though they had some beneficial effect, *ib.* 2454–2465. 2479–2481——Particulars in connection with the subscriptions to the funds of the Anti-Screw Association, *ib.* 2484–2500.

Dissent from Mr. Stanley's statement, that intimidation and treating prevailed extensively at the Staleybridge municipal elections, *Kirk* 3831, 3832. 3835 *et seq.*——Inaccuracy of a statement, that the town clerk or borough surveyor had taken part in canvassing servants of the corporation for the Liberal candidate, *ib.* 3832——Denial also of a statement, that some servants of the corporation were discharged for not voting for the Liberal candidate, *ib.* 3832, 3833.

Conclusion as to intimidation not having been practised on the part of Liberal employers; examination on this point generally, and on the reported discharge of certain men by witness's firm, *Kirk* 3834. 3849–3868. 3877 *et seq.*——Explanation relative to the expenditure at municipal contests, and the practice of the committees on each side in regard to treating, *ib.* 3835–3849. 3869–3876.

Report, 1869—*continued.*

STALEYBRIDGE—continued.

2. *Parliamentary Elections:*

Undue influence used towards some railway servants with reference to the Parliamentary election in 1868, *Stanley* 2196——Adoption of some legal proceedings relative to intimidation at the Parliamentary election, no such steps having ever been taken in reference to the municipal elections, *ib.* 2205–2208. 2246——Inquiry after the Parliamentary election, the result being that the Member retained his seat, *ib.* 2247–2249. 2287–2289.

Refutation of a statement by Mr. Stanley that some railway workmen at Staleybridge were discharged from employment for voting for the Liberal candidate at the last Parliamentary election, *Kirk* 3832——Intimidation at the Parliamentary election on the part of the Murphyite section, *ib.* 3849–3853. 3908–3916. 3967–3970——Belief that on neither side was intimidation practised at the mills, *ib.* 3971–3974.

Particulars relative to the expenses at the last Parliamentary election for Staleybridge which came under witness's cognizance, as returning officer; statement hereon as to witness not having examined the vouchers, *Kirk* 3921–3938. 4004–4006. 4022–4026——Excitement on the day of Parliamentary nomination and of election, though persons were hardly deterred from voting, *ib.* 3959–3964.

Illustration in the Staleybridge case of the difficulty of deciding what constitutes agency, *Sir C. Blackburn* 12027.

Certificate and report by Mr. Justice Blackburn in the matter of the Staleybridge Election Petition, *App.* 574.

Stanley, Robert. (Analysis of his Evidence.)—Has had many years' experience of the working of the municipal elections at Staleybridge, 2171–2177——Submits details relative to the intimidation and treating practised on the Liberal side at the Staleybridge municipal elections, 2178 *et seq.*——Large expenditure at the elections, chiefly by one party, 2182–2184——Impression at Staleybridge as to the law being much more strict for the prevention of abuse in the case of the Parliamentary election than of the municipal election, 2202. 2239–2245——Adoption of some legal proceedings relative to intimidation at the Parliamentary election, no such steps having ever been taken in reference to the municipal elections, 2205–2208. 2246.

Information in connection with the Anti-Screw Association formed at Staleybridge for the protection of Conservative voters in the mills, &c., 2209–2213. 2264–2267. 2297. 2392–2399. 2409–2412——Approval of the ballot as a protection to the voter at municipal elections, though it is not expedient in the case of Parliamentary elections; examination as to the grounds for this distinction, 2214 *et seq.*——Advantage if there were a public prosecutor, as a check upon corrupt practices at Parliamentary elections, 2214. 2264–2267. 2306–2308. 2317–2320. 2390, 2391.

Majority of the town councillors of Staleybridge on the Liberal side, intimidation being practised only by the Liberal millowners, 2231–2249. 2269–2284——Inquiry after the Parliamentary election, the result being that the Member returned retained his seat, 2247–2249. 2287–2289——Statement as to the Conservatives having been at one period in a majority on the town council, 2280–2282.

Beneficial effect of the legal steps taken for preventing intimidation, 2298–2305——Importance of the influence of public opinion, backed by stringent laws, as a check to corrupt practices at Parliamentary elections, 2306–2312. 2378–2386. 2407, 2408——Advantage of the ballot at the municipal elections as a means of doing away with corrupt practices at the Parliamentary elections, 2313–2316——Varying wages of the mill hands at Staleybridge, 2321–2329——Approval of an extension of the ballot to Parliamentary elections if found successful at municipal elections, 2400——Prevalence of treating at the municipal elections further adverted to, 2402–2406.

Tranquil character of the nomination at Staleybridge; objection to public nominations being abolished, 2419–2430——Practice as to the holding of meetings by the candidates, and as to the canvass of the electors, 2431–2438——Increased introduction of political feeling into the municipal elections on the probability of the borough having the Parliamentary franchise, 2439, 2440.

State of the Poll. Less tendency to bribery at the municipal elections if the state of the poll were not published till the close, *Barber* 244–247——Objection to the publication of the state of the poll till the final close of the poll, *Butler* 482, 483——Less probability of bribery if the poll were not published till the contest is over, *Gaunt* 1598, 1599——Slight importance attached to the proposal for not publishing the state of the poll, *Storey* 2834, 2835——Advantage if the state of the poll were not declared till sometime after the election, *Ellard* 7232, 7233.

Impossibility of preventing the scrutineers divulging the state of the poll, if the voting were not secret, *Verdon* 9683, 9684——Important advantage of the state of the poll not being known, *ib.* 9815——Statement showing that it is perfectly possible without the ballot to prevent the state of the poll being known, and thus to prevent afternoon bribery

on

State of the Poll—continued.

on the polling day, *Sir C. W. Dilke* 10310–10316. 10326–10333——Conclusion as to the impracticability of preventing the state of the poll being known, whilst the voting is open, there being no means of preventing afternoon bribery on the polling day, *Arnold* 10501–10503.

Belief that it is impossible under open voting to prevent the state of the poll becoming known, and thus to prevent excitement, *Fitzgerald* 10993, 10994——Avoidance of much of the evil of the present system of elections if the poll were conducted without the public knowing how it was going on, *Edge* 12967–12970.

Resolutions proposed by Mr. Hunt, Mr. Howes, and Sir F. Heygate, for discontinuing the publication of the state of the poll at the time of the election, *Rep.* xiv, xv.

Stockport. Certificate and report by Mr. Justice Blackburn in the matter of the Stockport Election Petition, *App.* 575.

Stokes, Frederick. (Analysis of his Evidence.)—Is a magistrate of the county of Dublin, and has for many years taken an active interest in the Parliamentary and municipal elections, 4437–4440——Regulation of the municipal elections in Kingston and Rathmines by local Acts; qualification in each case, 4441–4447——Statement showing that in the Kingstown elections the Conservative voters are greatly obstructed in polling, there being, in fact, no freedom of election; steps being taken to remedy this, 4448–4457. 4508–4513. 4521–4528.

Very general exercise of priestly influence at elections in Ireland, 4457——Particulars relative to the Dublin municipal elections, the qualification of electors, and the part taken by the Roman Catholic priests; instances of bribery of Liberal electors in one of the wards, 4458–4474. 4529–4542——Much more peaceable character of the Dublin Parliamentary election of 1852 than of the election in 1847, owing to the increase in the number of polling places, 4480–4482——Prevalence of bribery on both sides at the Parliamentary elections for Dublin; this applies probably more to Roman Catholics than to Protestants, 4483–4486. 4628–4635.

Evidence as to the very general exercise of priestly influence and spiritual intimidation at the elections for Dublin, and for Dublin county, 4487–4507. 4514–4520. 4523 *et seq.* ——Approval of a proper system of voting papers as a check upon intimidation and bribery, 4491–4494——Advantage of a minute subdivision of polling places, 4491——Grounds for the conclusion that the ballot in Ireland would be no protection against priestly influence, and would operate very adversely towards the Conservatives, 4495–4507. 4598–4623.

Statement relative to the steps taken by the Conservative party at the election before the last for the county of Dublin in bringing a large number of country voters into the city, and keeping them away from the priests; denial that these men were under undue custody, 4504–4509. 4514–4520. 4560–4597. 4624–4627.

Storey, Samuel. (Analysis of his Evidence.)—Was for several years a member of the corporation of Bradford; was defeated at the municipal contests in 1867 and in 1868, on account of the part taken by him at the Parliamentary elections, 2785–2790. 2801–2803. 2813–2821——Total of about 20,000 municipal voters and 21,000 Parliamentary voters in Bradford, the Parliamentary and municipal boundaries being co-terminous, 2792–2794——Absence of political feeling at the municipal elections till November 1867; 2795. 2826——Statement as to the occurrence of treating and other corrupt practices at the municipal elections in 1867 and 1868; belief as to there having been some cases of bribery at the latter election, 2796–2824. 2836.

Frequency of personation at the municipal contests; inadequate means for its prevention, 2809, 2811, 2812. 2836–2840——Recommendation that the same law be applied to corrupt practices at municipal elections as at Parliamentary elections, 2825–2832. 2844——Inconvenience experienced at Bradford through the nomination of candidates for the town council without their consent, 2827, 2828——Exercise of much intimidation at the Parliamentary elections; this is confined to one side, 2829, 2830.

Decided objection to the ballot, as necessitating continual falsehood on the part of voters, 2833. 2857, 2858——Slight importance attached to the proposal for not publishing the state of the poll, 2834, 2835——Improvement if persons charged with personation, &c., were brought before a stipendiary magistrate instead of before the present class of magistrates in boroughs, 2836–2840.

Illustration in the case of the last nomination at Bradford for the Parliamentary election of the expediency of abolishing nominations altogether, 2841–2843——Conclusion as to the sufficient strictness of the present law for preventing bribery, &c. at Parliamentary elections, 2845–2851——Very general feeling at Bradford in favour of the ballot, a large number of Conservatives being amongst its advocates, 2852–2859.

Strathnairn, The Right Honourable Lord. (Analysis of his Evidence.)—Is Commander of the Forces in Ireland, 11712——Explains the general character of the instructions in force relative to the employment of troops at the last general election in Ireland, 11713–11723.

Report, 1869—*continued.*

Strathnairn, The Right Honourable Lord. (Analysis of his Evidence)—*continued.*

11825——Refers to a written report by General M'Murdo as contradicting his evidence relative to the inordinate employment of troops at Balbriggan at the last election for the county of Dublin, 11724–11726. 11801–11808——Shows that there is no ground whatever for any impression that military officers consider voters under escort in the light of prisoners, 11727–11731. 11809, 11810. 11826–11828.

Conclusion as to many voters going under escort and voting with their landlords very much against their own convictions, 11732, 11733. 11811——Statement of the practice in regard to requisitions and orders upon which escorts are granted; the utmost impartiality is observed in the matter by Government, 11734–11741——Amendment made by witness in the instructions prepared by General M'Murdo for the guidance of the troops in Tipperary, 11742, 11743——Instruction by witness for the employment of cavalry if available; illustration at Drogheda of the prudence of this instruction, 11744, 11745.

Letter from witness to General M'Murdo objecting to the arming of the troops with sticks, 11746——Reference to a certain confidential report by witness as containing an explanation on the subject of an undue interference by landlords with some voters at the Sligo election, 11747. 11750——Further reference to this report as showing the immense influence exercised at the elections by the priests, 11748–11750——Entire inaccuracy of the impression that the troops are ever used for political purposes, 11753. 11758, 11759.

Obligation in regard to the troops or escorts being accompanied by a magistrate, or, when that is not possible, by a sub-constable, 11754–11758. 11812–11817. 11826——Impossibility of dispensing with troops at the elections, 11760, 11761. 11792——Numerous instances of violence at the last elections owing to the harangues of the priests; reference to the charge of Judge Keogh at Drogheda in illustration of this, 11764–11782——Particular instance of excessively violent language of a priest; testimony given by a policeman in this case, 11765–11770. 11776–11791——Improper and unconstitutional position assumed by the priests as regards the elections, 11782.

Unfairness of the ballot as admitting of undue influence on the part of the priests 11793. 11796——Great importance of an increased number of polling places at Irish elections, 11793–11795. 11800——Improbability of the ballot enabling the military to be dispensed with, though there might not be same amount of rioting, 11797–11800.

Further statement that the officer in command of an escort would be guilty of a great dereliction of duty if he did not allow each voter freely to have the escort, 11809–11821. 11826–11828——Large expense of the movement of troops at the elections, 11822——Inadequacy of the constabulary for preserving peace at the elections, 11823, 11824.

T.

Tamworth. Particulars relative to a charge of alleged intimidation at the Tamworth election of 1868, as investigated by witness, *Sir J. S. Willes* 10742, 10743.

Certificate and report by Mr. Justice Willes in the matter of the Tamworth election petition, *App.* 575.

Tasmanian Dodge (*Ballot*). See *Ballot*, IV.

Taunton. Permission given for the withdrawal of the petition against the return of Mr. Barclay, *App.* 575, 576—— Certificate and report by Mr. Justice Blackburn in the matter of the petition against the return of Mr. Serjeant Cox, he being declared not duly elected, *ib.* 576.

Taylor, Francis. (Analysis of his Evidence.)—Has had a very extensive experience in elections at Manchester; took an active part in the arrangements for the test ballot, 12100, 12101——Object of the test ballot to decide whether Mr. Milner Gibson or Mr. Ernest Jones should be elected as the Liberal candidate in the event of a vacancy, 12102——Excitement in the public mind as to the result of the test, whereas the ballot itself was conducted with perfect order and regularity, 12103–12106. 12186–12192.

Adoption at Manchester of the plan of ballot in use in Victoria, 12107——Use of a die for stamping each voting card, as a check upon forged cards; other means available for preventing fraud in this respect, 12108. 12115. 12137, 12138. 12235–12240. 22266–12279——Transmission of a voting paper, with a circular, to each voter; description of such paper, 12109. 12141——Presentation by the voter, when about to poll, of the circular and voting paper to the returning officer, from whom he received a voting card, 12110–12112. 12136. 12141.

Deposit of the voting card by the voter in an envelope, and then in the ballot-box, after he had first marked off the name of the candidate for whom he did not vote, 12113–12115——Object of the envelope to prevent the use of two cards in voting; opinion as to the use of perforated cards being preferable to this plan, 12115. 12135. 12146. 12185.

Report, 1869—*continued.*

Taylor, Francis. (Analysis of his Evidence)—*continued.*

12278——Prohibition upon any voter taking a voting card away from the polling booth, 12116——Total of 32½ per cent. of the Liberal electors who abstained from voting; larger proportion of the lower class than of the more respectable class in this number, 12117–12122. 12156, 12157.

Very satisfactory result in accounting for the cards issued by the returning officer; rare instances of irregularity, 12123——Great ease and rapidity of the polling, as compared with the ordinary system; particulars on this point, 12124–12129. 12205–12218 —— Efficiency of the checks upon personation under the system as tried at Manchester; statement hereon as to the facilities for detecting the Tasmanian dodge, 12130–12134. 12230, 12231. 12246–12250——Adequacy of the checks upon the voter, when in the polling booth, changing the voting card for a spurious one in his pocket, 12134. 12266–12272.

Grounds for the conclusion that the returning officer's expenses would be greatly diminished under the ballot, 12139, 12140. 12200–12204. 12262–12265—— Deviation at Manchester from the Victorian plan as regards the numbering of the ballot papers; statement hereon as to there being no necessity for a scrutiny, 12141–12143. 12251–12261—— Belief that the Manchester system would give universal satisfaction, 12144. 12179——Entire absence of objection to the working of the system on the part of the Conservatives, 12144.

Error of Sir Charles Dilke in supposing that the voting papers, as distinguished from the voting cards, were signed by the electors; objections to this being done as a check upon personation, 12145, 12146. 12219–12229——Absence of difficulty at Manchester through some of the voters not beng able to read or write, this difficulty having been obviated by printing the candidates' names in different colours, 12147–12155. 12180–12184. 12193–12197——Non-objection to the Australian plan of allowing a sworn returning officer to assist a voter who could not read or write, 12154, 12155. 12195–12197. 12241–12245.

Circumstance of the ballot having been in operation for several years in the town of Maryport for the election of the local board, and having given universal satisfaction. 12158–12165——Claim of the Maryport people that their plan is the original of the Australian plan, 12160——Evidence opposed to the ball ballot, on the ground that the voter could give more votes than he was entitled to, 12166–12178—— Doubt as to any confusion in respect of different colours on the voting card when there are several candidates, 12180–12184. 12193–12198.

Conclusion as to the effect of the ballot in preventing mob excitement or intimidation, 12186–12192. 12205–12211——Objection to the ballot as in the United States, due secresy not being involved, 12212, 12213——Inference as to the exercise of undue influence at Manchester elections in the absence of the ballot, 12232–12234—— Precaution necessary in giving a second card to a voter on the plea that he had damaged or spoiled the original card; there was no case of this kind at Manchester, 12280–12282.

Tenants (County Elections). See *Ballot, II. Cardiganshire. Carmarthenshire. Chippenham. Dumfries-shire. Ireland. Limerick City, II. Merionethshire. Mid-Cheshire. Roxburghshire. Scotland,* 2. *Sligo County* 2, 3. *Undue Influence. Wales,* 1.

Thirsk. Permission given for the withdrawal of the petition against the return of Sir William Gallwey, *App.* 576.

Thomas, Herbert. (Analysis of his Evidence.)—Has taken an active part in political matters at Bristol on the Liberal side, 5658, 5659. 5690–5692——Strictly pure and legal principles upon which the Liberal party have conducted the elections, 5660, 5661—— Refusal of the Conservative party to unite with their opponents in conducting the election in April 1868 on pure principles, 5661–5665——Entirely pure conduct of the April 1868 election by the Liberals, 5666, 5667. 5672. 5682——Statement as to the inaccuracy of Major Bush's evidence relative to the employment of hired and organised mobs by the Liberals at the November 1868 election, 5668–5671. 5673–5678.

Inaccuracy, also, of Major Bush's statement that at the election in November Conservative voters were intimidated and prevented from polling by the Liberal mob, 5673. 5723–5738. 5752—— Circumstance of the sheriff (a Conservative) having decided that there was nothing to prevent the polling, 5673. 5747——Explanation as to some Liberal tea meetings that the expense was paid by the working men, 5673. 5708, 5709—— Large number of roughs hired by the Conservatives at the last two elections; great abuse in this respect at the April 1868 election, 5679, 5680. 5687–5689. 5693, 5694——Very extensive treating and bribery on the Conservative side at the election in April 1868; 5681–5688. 5748. 5749. 5753.

Examination upon the question whether an enormous expense was not incurred in respect of Sir Morton Peto's election, 5695–5705——Refusal of Sir Morton Peto's committee

Report, 1869—*continued.*

Thomas, Herbert. (Analysis of his Evidence)—*continued.*

mittees to pay certain bills for breakfasts, 5705–5707——Further denial that at the November 1868 election any mob was paid by the Liberal committees; examination hereon as to certain demands made for payment, and as to such payment having been made through agents from London, 5710–5722. 5742–5746.

Excessive timidity, owing to which a Conservative voter, named Kearsey, did not poll, 5730–5737——Belief that the total expenses of the Liberal candidates at the last election were about 4,000 *l.* or 5,000 *l.*; 5739–5746——Illustration of the more riotous character of the Conservative mob than of the Liberal mob at the November 1868 election, 5750, 5751.

Strong feeling at the Bristol town council in favour of abolishing public nominations, 5754–5758——Approval of the ballot as a means of securing peaceable elections and freedom of voting, 5759 —— Numerous instances of workmen voting according to the opinions of their employers, 5760——Belief as to tradesmen being frequently influenced as to their votes by their customers, 5760. 5762–5767——Very general disapproval of the ballot by the Conservatives, 5761——Suggestion that the nomination for Parliamentary elections should be something similar to that for municipal elections, 5769——Advantage if public-houses were closed on the day of election and the day before, *ib.*

Three-cornered Constituencies. Facility of applying the ballot to three-cornered constituencies in England, *Torrens* 8958.

Tipperary County. Employment of escorts at the election in Tipperary adverted to; much less excitement than in Sligo, *Percy* 11272. 11327, 11328. 11438–11440——Amendment made by witness in the instructions prepared by General M'Murdo for the guidance of the troops in Tipperary, *Lord Strathnairn,* 11742, 11743.

Torrens, Lieutenant Colonel Robert Richard (Member of the House). (Analysis of his Evidence.)—Was a nominee member of the Legislative Assembly in South Australia previously to the introduction of the new constitution in January 1856; held the office of treasurer in the Government, 8725——Was strongly opposed to the introduction of the ballot in the colony, and as member of the Government did all in his power to prevent its adoption, 8726. 8845–8853——The ballot was adopted in 1856, having been called for by public opinion as a remedy for the bribery, treating, intimidation and rioting, which prevailed under the system of open voting, 8726–8735. 8767–8769. 8845–8855.

Exceedingly beneficial effect of the ballot in the prevention of rioting at the elections in the colony; illustration of this at Adelaide, 8736. 8855. 8907. 8915, 8916—— Conclusion as to bribery, which was formerly very prevalent, having almost entirely disappeared under the ballot; exceptional instance to the contrary, 8736, 8737. 8967, 8968. 8984. 9013——Great diminution of candidates' expenses since the ballot has been in force; instance of this in witness's election for Adelaide, 8738, 8739. 8756, 8757. 8801–8803. 8969, 8970.

Explanation of the mode in which the electoral roll is made up in South Australia, the practice being very similar to that in this country, 8740, 8741——Satisfactory arrangements with reference to the nomination of candidates, no public speeches being allowed, and there being no rioting or disturbance, 8742, 8743. 8780–8783. 8870. 8903–8905. 8939–8942——Prohibition upon public addresses by candidates for two days before the election, so as to prevent disturbance, 8742. 8780–8782. 8906——Nomination of the candidates on the day of election, 8743.

Presence of scrutineers in the polling booth, on behalf of each candidate, so as to check personation; efficiency of this precaution, 8743. 8790–8794. 8797–8800. 8946–8948——Delivery of a voting card to each voter, who retires into a sort of sentry-box, and puts a mark opposite the name of the candidate whom he supports, 8743, 8744—— The card is then folded by the voter and dropped into the ballot-box, which is locked, 8744——Collection of the ballot-boxes after the election, where the voting cards are examined and the votes counted by the returning officer and scrutineers, after which there is a public declaration of the result, 8744-8747. 8787-8789——Delay of a day or two before the declaration of the poll, 8744. 8959-8961——Belief that a man who cannot read is prevented from voting; very few such men in South Australia, 8748–8750. 8880, 8881. 8917–8921.

Perfect ease, smoothness, and facility with which the ballot has worked in South Australia, whilst under it there is no bribery or undue influence, 8751–8753——Ingenious device adopted in Tasmania for a substitution of the voting cards, involving the bribery of successive voters; facility of decection of this trick, 8751, 8752——Statement that it is generally known how the electors vote, though there are exceptions to this rule; secrecy in fact is not now necessary as a prevention against bribery or coercion as the notion of practising these evils has quite passed out of mind, 8754, 8755. 8778, 8779. 8833–8844. 8982–8985.

Effect

Report, 1869—*continued.*

Torrens, Lieutenant Colonel Robert Richard, M.P. (Analysis of his Evidence.)—*continued.*

Effect of the system of open voting at Cambridge in deterring many Liberal voters from polling; removal of this fear if the ballot were adopted, 8758. 8886-8890—— Belief that in the smaller boroughs in England secresy would be easily maintained under the ballot, 8759 —— Statement as to the unfair position in which members are placed who are petitioned against under the Corrupt Practices Act; checks suggested in order that petitions may not be lightly presented, 8760-8766.

Exceptional instance of a petition in South Australia in witness's experience of the ballot there; doubt as to the means of proving the voting in such cases, the voting cards being destroyed immediately after the election, 8770, 8771. 8795, 8796. 9005. 9007-9015—— Practice as to the public meetings before the elections in South Australia, there being also some personal canvassing, but not nearly to the same extent as in this country, 8774-8777. 8830-8832. 8856-8858. 8898-8902. 8922-8925——Public declaration of the state of the poll, without the members being present, and without any speeches being made, 8784-8786. 8906. 8943-8945. 8963.

Abolition of the former distinction between Liberals and Conservatives since the adoption of the new constitution and of manhood suffrage and triennial parliaments; there is in fact no longer a Conservative party but the ballot has had nothing to do with this, 8804-8808. 8986-8992. 8935——Constant change of political opinion and of the Ministry since universal suffrage, 8804-8810. 8814——Leading questions by which the two parties in the State are now distinguished; little popular excitement upon these subjects, 8804-8810. 8988. 8935-8938——Very similar class of representatives elected under the ballot and universal suffrage as under the previous system, 8810-8813—— General emulation among the candidates or members to obtain office, 8810.

Large proportion of the electors who do not take the trouble of going to the poll; there has been little if any difference in this respect since the ballot, 8815-8823—— Claims and solicitations by constituents in respect of patronage; means of the Member for knowing that he had received the support of such claimants, 8824-8830—— Universality of the feeling in the Colony in favour of the ballot as at present conducted, it having been found to work admirably, 8845, 8846. 8949-8952. 8979-8981.

Way in which the ballot operates in Australia as a Conservative measure; that is, in obviating coercion by mobs or trades unions, 8847, 8848. 8935, 8936. 8974-8978—— Opposition made to the ballot by witness as the leader of the Conservative party in the Colony, whereas the feeling is now general in favour of the measure, 8853. 8979-8981 ——Absence not only of election riots, but of any attempt at forcible interference with the ballot-boxes before the declaration of the poll, 8859-8861. 8865-8869——Belief as to the voting in some districts being sometimes known before the general result is declared, 8862-8864 —— Great disturbances formerly through the publication of the state of the poll, 8871, 8872.

Further explanation relative to the elective franchise in the Colony, and the system of registration, 8875-8877——Denial that the ballot has had the effect of inducing candidates to promise any greater expenditure of the public money, in order to gain votes, 8882-8885——Universal feeling of the Liberal party at Cambridge, that the ballot would stop bribery there, 8891-8893——Doubt as to any more frequent change of Members by the constituencies in South Australia than in England, 8894, 8895——Circumstance of witness having supported dual voting in Australia as a Conservative measure; excitement at the elections on this question, but without rioting or coercion, 8907-8911. 8989-8992.

Separate Acts for the ballot and the suffrage, 8926——Absence of any imputations of bribery conditional upon the return of the candidate, 8927-8929——Small proportion of lost votes; how these occur, 8930-8932. 9001-9004——Decided approval of the ballot in this country, judging from its working in Australia, 8933, 8934. 9006——Use of the ballot at municipal elections in the Colony as well as at the Parliamentary elections, 8953-8955——Facility of applying the ballot to three-cornered constituencies in England, 8958——Division of Adelaide into three districts, each returning one Member, 8962. 8997, 8998——Decided objection to a publication of lists of the voters, 8963-8966.

Little inducement for bribery under the ballot, there being no security how the vote would be given, 8967, 8968——Varying class of men in the Colonial Legislature, the wealthier class alone not taking an active interest in politics, 8971-8973——Similarity between some of the electoral districts in the Colony and constituencies in England, several of the former constituencies being very small, 8995, 8996——Destruction of the voting papers immediately after the declaration of the poll; question hereon whether proof of bribery is not thereby rendered very difficult, 9005. 9007-9015.

Trades' Unions. Grounds for apprehending that the ballot would operate injuriously as regards the action of trades' unions, *Stanley* 2332-2348.

Conclusion as to the advantage of the ballot as neutralising coercion by trades' unions, *Torrens* 8935, 8936. 8974-8978.

Report, 1869—*continued.*

TREATING:

Doubt as to treating being much resorted to if there were secret voting, *Barber* 108, 109——Expediency of increased facilities for the prevention of treating, *Darvill* 529 —— Obstacle to an enforcement of the law against treating, as the punishment is considered too severe, *West* 2881, 2882——Advantage if the wholesale distribution of drink, as at Limerick, could invalidate an election, *Spaight* 7094, 7095.

Great amount of treating and public-house expenditure in several cases tried by witness, *Sir S. Martin* 10518–10522. 10617——Witness had not, practically, any difficulty in deciding what was corrupt treating; particulars hereon as to the question of treating in the West Riding, *ib.* 10571–10586.

Information on the subject of treating, or rather of eating and drinking, under various forms, there being several forms of treating which do not by law vitiate the election, *Sir J. S. Willes* 10734–10739——Amendments suggested in the provisions of the Corrupt Practices Act, as to treating, with a view to making the law more stringent and comprehensive, *ib.* 10752–10759——Recommendation that no refreshments or treating be allowed in the case of committees or canvassers, *ib.* 10853. 10856, 10857.

Prevalence of drinking at most of the places inquired into by witness, though, save at Bewdley and Hereford, treating was not made out to his satisfaction, *Sir C. Blackburn* 11958, 11959——Belief as to the judges concurring in the view that unless treating is practised with intention to influence, the election is not voided thereby, *ib.* 12001–12005 ——Approval of the necessity of proof of corrupt intention in the matter of treating, *ib.* 12022, 12023——Harshness in making the loss of the seat a necessary result of any act of treating by the candidate, without leaving the question to the judge whether corrupt intention was involved, *ib.* 12040–12043. 12070–12072.

Conclusions in Draft Report of Chairman of the Committee, as to the prevalence of corrupt treating at borough elections, but not at county elections, *Rep.* xvi, xvii.—— Important check upon gross or extravagant treating by a more stringent enactment enforcing the publication of the real expenses of each candidate, *ib.* xix.

See also *Ashton-under-Lyne. Blackburn. Bradford. Bristol*, 2. *Dumfries-shire*, 5. *Leeds*, 1. *Liverpool*, 1, 2. *Municipal Elections. Norwich. Public Houses. Salford. South Australia*, 9. *Stalybridge*, 1.

Tripper, Thomas. (Analysis of his Evidence.)—Is secretary to the Liberal committee of St. Anne's Ward at Liverpool, 1600–1603——Total of 1640 Parliamentary voters, and of 553 municipal voters in the ward, these consisting chiefly of the working classes, 1604, 1605——Particulars relative to the bribery practised at the municipal elections for the ward, the Liberal party having since 1865 abstained from all illegal expenditure, though the practice is still maintained by the Conservatives, 1606–1639. 1673–1679. 1686–1690. 1740–1752. 1787. 1851–1856. 1868–1891.

Conclusion as to the money paid for municipal votes having in several instances secured the Parliamentary vote also, 1640–1646——Very limited extent to which any effort has been made to put a stop to bribery at the municipal elections; fear of expense which prevents legal proceedings being taken, 1647–1655. 1680–1689. 1733–1739. 1788–1803. 1896. 1819–1821——Belief that no penal enactment will prevent corrupt practices at municipal and Parliamentary elections so long as there is open voting, the ballot being the only effectual remedy, 1661–1659. 1691, 1692. 1714–1723. 1781. 1833–1835.

Prevalence of much treating at the municipal elections at Liverpool; tendency of the ballot to correct this practice, 1660, 1661——Conclusion as to the intimidation and undue influence being largely resorted to both at the municipal and Parliamentary elections, 1662–1671. 1700, 1701. 1822–1824——Evidence in favour of a prohibition upon canvassing at municipal elections; that is, systematic canvassing, 1662, 1663. 1724–1732. 1804–1814——Decision of the municipal contests with direct reference to the political views of the candidates, 1693–1697.

Doubt as to there having been any bribery at the last Parliamentary election, though drink was given freely, 1698, 1699. 1816. 1825–1832 —— Growing feeling in the town in favour of the ballot; grounds for this statement, 1702, 1703. 1841–1850. 1857 ——Better class of persons on the municipal register than on the Parliamentary register since the extension of the latter, 1704–1706——Belief that there was no arrangement about the payment of voters' rates in connection with the Parliamentary election, 1707–1713.

Examination upon the question of the ballot being no real check under certain circumstances, 1715–1723. 1836–1840. 1858–1861——Combination of some municipal voters in order to make their votes more valuable; practice as to the payment of these, 1740–1743. 1868–1878. 1884–1891——Evidence in support of the view that nominations at Parliamentary elections should, as well as systematic canvassing, be done away with, 1753–1780. 1895. 1908–1921——Recommended abolition also of the declaration of the poll, 1755——Much more pure state of some of the wards at Liverpool than of St. Anne's ward, 1788, 1789. 1862–1867. 1922–1924.

Open

Report, 1869—*continued.*

Tripper, Thomas. (Analysis of his Evidence.)—continued.

Open way in which bribery has been practised at the municipal elections, there being a general belief that there is no punishment for it, 1815–1818——Complete failure of all the Acts for the punishment of bribery and corruption, 1834——Statement as to Mr. Massey, though a supporter of the ballot, having been defeated at the last Parliamentary election for Liverpool, 1844–1850. 1857–1859. 1892–1894. 1925–1927.

Tendency of the ballot to diminish systematic canvassing, 1897——Advantage in election meetings not being held at public-houses in Liverpool; approval of this plan being compulsory, 1903, 1904. 1928–1930——Great benefit if the public-houses were closed from the evening before the election day till the evening of that day, 1906, 1907.

Troops (Irish Elections). See *Dublin City and County*, 2. *Ireland*, II. *Sligo County*, 1. *Tipperary County.*

Troughton, Thomas. (Analysis of his Evidence.)—Resides at Gravesend; was chairman of the committee of the Conservative candidate at the Parliamentary election, 4035, 4036. 4094—— Quiet manner in which the municipal elections of the borough have been conducted, 4037–4042—— Particulars relative to the Parliamentary election and the bribery and intimidation practised on the Liberal side, but for which the Conservative candidate would have been returned, 4043, *et seq.*——Circumstance of a petition not having been presented; difficulty in proving the bribery, 4055, 4056. 4072–4074.

Violence displayed by an organised mob from Northfleet, 4057–4064. 4082–4093. 4115–4121——Statement of the number of the constituency and the number polled on each side; majority of 100 calculated upon by the Conservatives, whereas this was turned into a minority by the practices of the Liberals, 4065–4071. 4094–4111——Considerable disorder on the nomination day; improvement if the nomination were abolished altogether, 4075–4081. 4113.

[Second Examination.] Further information relative to the constituency of Gravesend, and the number who polled on each side, 4122–4129——Statement in further support of the conclusion that but for intimidation and bribery on the part of the Liberals there would have been a Conservative majority, as shown by the previous canvass of the electors, 4130–4155——Non-promotion of a petition further adverted to and explained, 4156, 4157.

U.

UNDUE INFLUENCE (INTIMIDATION, &c.):

Evidence to the effect that witness and the employers generally in the manufacturing towns do not exercise any undue influence in regard to the votes of their workpeople, *Bleckly* 1147–1151. 1226. 1237–1239——Numerous instances at Bristol of working men voting according to the opinions of their employers, *Thomas* 5760——Belief as to tradesmen being frequently influenced as to their votes by their customers, *ib.* 5760. 5762–5767——General apprehension and intimidation caused by a few cases of eviction of tenants, *McGowan* 6184, 6185——Decrease generally of intimidation by employers, *Edge* 12781–12783

Very few cases of undue influence charged before witness, all of them having failed, *Sir S. Martin* 10539–10541. 10602–10604—— State of the law on the subject of undue influence or intimidation; doubt whether spiritual intimidation comes within the definition of the Act, *ib.* 10605–10611——Several instances of alleged undue influence investigated by witness at other places besides Blackburn and Westbury, but without the seat being voided, *Sir J. S. Willes* 10741–10743.

Exceptional instance of intimidation having been proved before witness, though it was alleged in each petition, *Sir C. Blackburn* 11960–11962——Further statement as to the alleged cases which were brought before witness of intimidation by landlords or employers having in almost every instance broken down, *ib.* 12013. 12019. 12024, 12025——Evidence to the effect that intimidation by a landlord or employer would not vitiate the election unless agency can be proved, *ib.* 12014–12021. 12025–12027.

Conclusions in Draft Report of Chairman of the Committee as to the frequent exercise of intimidation or undue influence at borough elections, *Rep.* xvii——Conclusions also as to the improper influence exercised by landlords or their agents at county elections, *ib.* xvii, xviii——Different circumstances of England, Ireland, and Scotland, in the matter of landlord intimidation, *ib.*

See also *Ashton-under-Lyne. Ballot. Blackburn. Bradford*, 2. *Bristol*, 2. *Cardiganshire. Carlisle. Carmarthenshire. Chippenham. Dublin City and County*, 2. *Dumfries-shire. Gravesend. Ireland. Limerick City. Liverpool. Merionethshire. Mid-Cheshire. Mobs. Monmouthshire. Oldham. Parish Voting. Roxburghshire. Scotland*, 2. *Sligo County. South Australia*, 6. *Staleybridge. Trades' Unions. Victoria (Ballot)*, 2. *Voting Papers. Wales*, 1, 2. *Windsor. Working Classes.*

Report, 1869—*continued.*

UNITED STATES (BALLOT):

1. *Particulars relative to the System of Election and of Ballot in force in different States in the Union.*
2. *Unsatisfactory Results of the System.*

1. *Particulars relative to the System of Election and of Ballot in force in different States in the Union:*

Regulation by each State of the Union of its own mode of elections, *Hankel* 9960——Preliminary proceedings at elections in South Carolina; there is no nomination, *ib.* 9961–9972——Appointment by the Government of the States of managers, who conduct the elections, and act as returning officers, *ib.* 9965–9967——Necessity of a poll even if there are not more candidates than vacancies, *ib.* 9973–9979——Steps taken to bring the candidates before the public, and to canvass for them, *ib.* 9980–9987.

Particulars relative to the form of ballot in use in South Carolina; option of the voter to use any kind of voting paper he pleases, *Hankel* 9988–9994. 1002——Option of the voter as to folding up the voting paper before placing it in the ballot-box, there being no rule as to the voting being kept secret, *ib.* 9993, 9994——Information relative to the qualification for the franchise, *ib.* 9997. 10030–10040. 10084–10088——Circumstance of there having been no registration of voters in South Carolina or in the other States; explanation hereon as to an attempt to register by means of a capitation tax, *ib.* 9998. 10041–10044. 10050, 10051. 10069–10071. 10080——Practice in South Carolina as to the custody of the ballot-boxes, and the counting of the votes after the ballot, *ib.* 10002.

Examination upon the question whether the ballot as in South Caroline and other States is not very badly devised and carried out, and therefore is no sound argument against the adoption of an efficient ballot system, *Hankel* 10041 *et seq.*——System in some of the States of voting for a number of candidates for different offices at the same election, *ib.* 10120–10129——Absence of any effort by law to enforce secrecy, though it is very frequently practised by the electors, *ib.* 10130, 10131.

Details relative to the system of ballot in the States of New York and Massachusetts, and other American States; the system is generally identical with the French system, secrecy not being necessary, but is conducted with less care, and is attended with much abuse, *Sir C. W. Dilke* 10164–10167. 10174–10180. 10189 *et seq.*——Belief that the Australian system is not known in America, *ib.* 10178——System in America of sometimes voting for several offices on the same ticket, *ib.* 10180. 10194–10196.

Incidence of the expense upon the local authorities, the amount being very limited, *Sir C. W. Dilke* 10182, 10183——Absence of treating at the candidate's expense, *ib.* 10236, 10237——Belief as to a system of registration having been adopted in the States since the war, *ib.* 10248, 10249——Impression that in America there is no scrutiny, though members have been unseated, *ib.* 10291, 10292.

2. *Unsatisfactory Results of the System;*

Reference to the American system of ballot as being no better than open voting, *Ellard* 7182——Failure of the ballot to secure secrecy or purity of election in America, *Norwood* 8145——Want of public confidence in the ballot in America, *ib.* 8145, 8146.

Very little check upon personation or disqualification, *Hankel* 9995–10001. 10041–10044. 10089–10091——Statement that under the ballot intimidation, mob violence, bribery, and personation, have been practised to an excessive degree, the elections in this country being conducted in an infinitely preferable manner, *ib.* 10003 *et seq.*——System of voting "early and often" at the elections in the States, *ib.* 10019. 10044. 10133–10135.

Great obstruction to the voting of respectable persons at elections in New York, *Hankel* 10063–10065. 10092–10101——Anxious inquiry in America for many years with a view to prevent the corruption at the elections, *ib.* 10072–10074——Very general feeling in South Carolina in disapproval of the present system of voting, *ib.* 10102–10113. 10119.

Very extensive frauds and bribery in Boston and New York; how carried out, *Sir C. W. Dilke* 10166, 10167. 10174, 10175. 10205–10207. 10218–10224——Objection to the ballot as in the United States; due secrecy not being involved, *Taylor* 12212, 12213.

V.

Verdon, George Frederick, C.B. (Analysis of his Evidence.)—Has been a Member of the Government of Victoria on several occasions, and also a Member of the Legislature, 9536–9539——Statement of the franchises for the Legislative Council and Legislative Assembly, respectively, there being thirty Members in the Council and seventy-eight in the Assembly, 9540–9543——Election of the Members of each House for stated periods, the ballot being adopted in each case, 9544–9547——Reference to the Electoral Act

Report, 1869—*continued.*

Verdon, George Frederick, C.B. (Analysis of his Evidence)—*continued.*

Act of 1865, as containing full details relative to the process of conducting the elections, 9548.

Abolition under the ballot of public nominations; system of written nomination now in force, 9549–9559——Adoption of the ballot in the Colony about thirteen years ago, 9550——Payment by Government of the ordinary or legal expenses of the elections, 9551——Arrangement of the polling booths in compartments, the voting paper being taken by the voter into one of these where he strikes out with a pencil the names of the candidates for whom he does not vote, 9559. 9561–9563. 9565.

Presence in the polling-room of the returning officer, or his deputy, the poll clerks, and the scrutineers or agents of the candidates, 9559, 9560——Check upon the claim made by each voter to poll, a voting paper being handed to him by the returning officer if the qualification appears correct, 9561——Practice as to the returning officer placing his initials on the paper, and numbering it in accordance with the number in the electoral roll; means of identification thus afforded in the event of subsequent appeal or petition, 9561. 9568-9574.

Deposit of the voting paper in the ballot-box by the voter, he having first folded it up for the purpose, 9561. 9564. 9566, 9567——Practice of opening the papers and counting the votes, without the number on the back of the voting paper being seen; presence of the returning officer, poll clerks, and scrutineers, during this process, 9568–9570. 9577–9580——Duration of the poll from nine till four o'clock, 9575——Conclusion as to the impracticability of a voter bringing with him and using a voting paper previously signed and filled up, with the initials of the returning officer forged upon the back, and taking away the paper received from the returning officer, in order that it may be used by another voter; systematic fraud in this respect practised at an election in Tasmania, 9576. 9650–9673. 9733-9741. 9784–9786.

Public declaration of the poll when the ballot-boxes have all been received by the returning and the scrutiny has been completed; the declaration is usually on the day after the polling, 9580–9585——Instances of objection and of petition against the return of candidates on the ground that voters were not qualified, or that bribery, in the shape of treating, had been practised, 9586–9591. 9604. 9609-9612——Objections sometimes made during the polling by the scrutineers; action taken in such cases by the returning officer, 9587, 9588——Practice of referring petitions to an election committee by whom inquiries are made and scrutinies conducted; particulars hereon, 9589–9593. 9599–9609.

Belief that the polling papers are destroyed when the time has elapsed for the presentation of a petition, 9592, 9593.——Great variation in the size and population of the electoral districts, 9594–9596. 9680. 9716——Much less numerous electors for the Legislative Council than for the Assembly, the electoral districts being much larger in the former case, 9596, 9597——Different practice in the issue of writs for the Council and for the Assembly, 9598.

Conclusion as to the very beneficial effect of the ballot in Victoria, in conducing to peace and order, and in diminishing or abolishing bribery and treating; very little abuse, however, in these respects previously to the system of secret voting, 9613–9625. 9691–9701. 9819–9821—— Great interest and excitement at the elections, the people voting in large numbers, and the seats being as a rule contested, 9625–9634. 9685. 9803, 9804——Advantage of the plan of numbering the voting papers as rendering a subsequent scrutiny feasible, this being provided for without practically effecting the secrecy of the system, 9635. 9644.

Practice of many voters to state openly how they have voted; every voter, however, has it in his own power to preserve secrecy, 9636. 9637. 9640–9644——Belief that the ballot would be just as effectual in England as in Victoria, and that it would secure secrecy in small constituencies, 9638-9644. 9800, 9801——Very little canvassing under the ballot, 9640, 9641. 9729–9732. 9815, 9817——Means by which after the voting paper is signed a further check might be applied so that the number on the back should not lead to publicity, 9644. 9766, 9767.

Information relative to the appointment of the returning officers; belief as to the sufficiency of the present check upon their ascertaining how the votes are given, 9645–9649. 9675–9682. 9797——Objection to the voter handing the paper to the returning officer for deposit in the ballot box, 9669–9672. 9742——Impossibility of preventing the scrutineers from divulging the state of the poll, if the voting were not secret, 9683, 9684——Opposing parties in the Colony, the mode of action in respect of public works and Government lands being one of the main questions before the public, 9686-9690. 9704–9707.

Very general feeling in the Colony in favour of the ballot, though at one time the Conservative party were opposed to it, 9702, 9703. 9708. 9805–9809——Payment by the candidates of the cost of conveyance to the poll; practice as to polling places adverted to hereon, 9709–9717. 9780–9783——Obligation upon the candidate to make a return of

Report, 1869—*continued.*

Verdon, George Frederick, C.B. (Analysis of his Evidence.)—*continued.*

his expenses; belief as to these being confined to legitimate objects, 9718-9732——Conclusion as to the efficiency of the checks upon personation, 9733, 9734. 9773-9779. 9802. 9846-9851——Explanation relative to the municipal franchise and Parliamentary franchise respectively, payment of rates and residence being necessary in each case, 9744-6761.

Special provision for enabling those on the ratepayers' roll to vote who cannot read or write; disqualification on this ground of those on the electors' right roll, 9762-9765——Very few votes lost through informality, 9768, 9769——Decreasing proportion of the people who cannot read or write, 9770-9772——Further explanation upon the subject of scrutinies, and the circumstances under which conducted, 9787-9799.

Explanation as to the Roman Catholics having opposed the ballot, 9808. 9833-9838——Greater need of the ballot in this country than in a new country like Victoria, 9810, 9811——Dissent from the view that the ballot has the necessary effect of reducing political feeling, 9812——Possibility of the ballot being sometimes open to objection in cases where there are two or more candidates to be returned out of several, 9814——Important advantage of the state of the poll not being known, 9815.

Very similar character of the constituencies in Victoria before and since the ballot, 9822-9825——Conduct of the municipal elections by ballot, 9826, 9827. 9842-9845——Publicity for the most part of the political opinions of the principal inhabitants in each district, 9828-9832——Large public expenditure sometimes incurred in connection with the elections, 9839-9841——Means of absent electors for ascertaining whether they have been personated, 9846-9850.

Victoria (Ballot):

1. *Detailed Arrangements for Working the Ballot.*
2. *Effect as regards Corrupt Practices and Rioting; General Satisfaction given.*
3. *Diminution of Canvassing since the Ballot.*
4. *Expenses of Elections.*
5. *Limited Extent to which Secrecy is preserved by the Voters.*
6. *System of Written Nominations.*
7. *Declaration of the Poll.*
8. *Petitions.*
9. *Municipal Elections.*
10. *Other Details generally.*

1. *Detailed Arrangements for Working the Ballot:*

Approval of the arrangements for working the ballot in Victoria; superiority of the system to the American system, *Ellard* 7182. 7238.

Reference to the Electoral Act of 1865 as containing full details relative to the process of conducting the election, *Verdon* 9548——Arrangement of the polling booths in compartments, the voting paper being taken by the voter into one of these, where he strikes out with a pencil the names of the candidates for whom he does not vote, *ib.* 9559. 9561-9563. 9565——Presence in the polling room of the returning officer, or his deputy, the poll clerks, and the scrutineers, or agents of the candidates, *ib.* 9559, 9560.

Check upon the claim of each voter to poll, a voting paper being handed to him by the returning officer if the qualification appears correct, *Verdon* 9561——Practice as to the returning officer placing his initials on the paper, and numbering it in accordance with the number in the electoral roll; means of identification thus afforded in the event of subsequent appeal or petition, *ib.* 9561. 9568-9574——Deposit of the voting paper in the ballot-box by the voter, he having first folded it up for the purpose, *ib.* 9561. 9564. 9566, 9567——Practice of opening the papers and counting the votes, without the number on the back of the voting paper being seen; presence of the returning officers, poll clerks, and scrutineers during this process, *ib.* 9568-9570. 9577-9580——Duration of the poll from 9 till 4 o'clock, *ib.* 9575.

Objections sometimes made during the polling by the scrutineers; action taken in such cases by the returning officer, *Verdon* 9587, 9588——Belief that the polling papers are destroyed when the time has elapsed for the presentation of a petition, *ib.* 9592, 9593——Advantage of the plan of numbering the voting papers as rendering a subsequent scrutiny feasible, this being provided for without practically effecting the secrecy of the system, *ib.* 9635. 9644——Means by which, after the voting paper is signed, a further check might be applied, so that the number on the book should not lead to publicity, *ib.* 9644. 9766, 9767——Very few votes lost through informality, *ib.* 9768, 9769——Further explanation upon the subject of scrutinies, and the circumstances under which conducted, *ib.* 9787-9799.

Explanation of the process of voting by ballot, showing that secrecy is effectually secured, and that the presence of scrutineers tends to prevent any abuse on the part of the returning officer, *Muir* 9857-9862——Obstacles to the votes being tampered with by

Report, 1869—*continued.*

Victoria (*Ballot*)—continued.

1. *Detailed Arrangements for Working the Ballot*—continued.

by the returning officer, or his deputy, after the poll is closed, *Muir* 9873-9879——Powers of the returning officer as to making a false statement of the voting, when the papers are opened, *ib.* 9899-9901——Instances of scrutiny, the expense never falling on the Government, *ib.* 9910-9914——Transmission of the voting papers to Government after the poll is declared; they are subsequently destroyed, *ib.* 9924-9933.

Particulars relative to the certificates supplied to voters and required to be produced at the poll; abuse in connection with these, *Fitzgerald* 10926-10947. 11019-11025.

2. *Effect as regards Corrupt Practices and Rioting; General Satisfaction given:*

Conclusion as to the very beneficial effect of the ballot in Victoria in conducing to peace and order, and in diminishing or abolishing bribery and treating; very little abuse, however, in these respects previously to the system of secret voting, *Verdon*, 9613-9625. 9691-9701. 9819-9821——Very little bribery at any time in Victoria, *ib.* 9691, 9692——Very general feeling in the colony in favour of the ballot, though at one time the Conservative party were opposed to it, *ib.* 9702, 9703. 9708. 9805-9809——Conclusion as to the efficiency of the checks upon personation, *ib.* 9733, 9734. 9773-9779. 9802. 9846-9851——Means of absent electors for ascertaining whether they have been personated, *ib.* 9846-9850.

Conclusion as to the great success of the ballot in the colony, it having prevented the treating, bribery, and intimidation which formerly prevailed, *Muir* 9856. 9903-9909. 9921-9923——Occasional attempts at personation; provisions for detecting and punishing this fraud, *ib.* 9863-9866. 9893-9895——Means of absent voters for ascertaining whether they have been personated, *ib.* 9893-9895——General feeling in the colony in approval of the ballot, *ib.* 9941——Very peaceful conduct of the elections, *ib.* 9943-9945.

Almost total absence of venality in the election, before the ballot was introduced, *Fitzgerald* 10865. 10868. 10948, 10949. 11026——Considerable amount of mob intimidation when the voting was open; removal of this since the ballot, *ib.* 10866. 10884-10886. 10896-10898. 10952-10958——Very exceptional instances of corrupt payments under the ballot, *ib.* 10867. 10950, 10951. 11027——Peculiar circumstances of the colony which render bribery much less probable than in this country, *ib.* 10868-10873. 10948. 10951.

General feeling in the colony in approval of the ballot, more especially as preventing intimidation and disorder, *Fitzgerald* 10896-10898. 10952-10958——Entire absence of any undue influence in the colony, *ib.* 10963-10966——Important differences between the conditions and circumstances of Victoria and of England, so that it does not follow that the effect of the ballot would be identical in each country, *ib.* 10974-10983.

3. *Diminution of Canvassing since the Ballot:*

Very little canvassing under the ballot, *Verdon* 9640, 9641. 9729-9732. 9816, 9817——There is no personal canvassing by the candidates, *ib.* 9640, 9641——Much less canvassing than in England, *Fitzgerald* 10894, 10895.

4. *Expenses of Elections:*

Payment by Government of the ordinary or legal expenses of the election, *Verdon* 9551——Payment by the candidates of the cost of conveyance to the poll; practice as to polling places adverted to hereon, *ib.* 9709-9717. 9780-9783——Obligation upon the candidate to make a return of his expenses; belief as to these being confined to legitimate objects, *ib.* 9718-9732——Large public expenditure sometimes incurred in connection with the elections, *ib.* 9839-9841.

Limited amount of necessary expenditure under the ballot on the part of the candidates or of Government, *Muir* 9880-9883. 9937-9940——The returning officers and poll clerks are paid by Government, *ib.* 9883. 9898.

Incidence of the legal expenses of Australian elections upon the rates, *Sir C. W. Dilke* 10303——Objection to the permission to pay for conveyance of voters to the poll, *ib.*——Statement relative to candidates' expenses in Victoria, these chiefly being for printing and advertising, *Fitzgerald* 10995-11003.

5. *Limited Extent to which Secrecy is preserved by the Voters:*

Practice of many voters to state openly how they voted; every voter, however, has it in his own power to preserve secrecy, *Verdon* 9636, 9637. 9640-9644——Publicity for the most part of the political opinions of the principal inhabitants in each district, *ib.* 9828-9832——Knowledge generally of the scrutineers, as to the voters' opinions, *Muir* 9867——Very little secrecy preserved by the voters though the ballot enables them to be secret, *Fitzgerald* 10890-10893. 11004-11007. 11028-11030. 11055.

6. *System of Written Nominations:*

Abolition under the ballot of public nominations; system of written nomination now in force, *Verdon* 9549-9559——Necessary deposit of a sum of money with the nomina-

Report, 1869—*continued.*

VICTORIA (*BALLOT*)—continued.

6. *System of Written Nominations*—continued.

tion paper, as a means of preventing frivolous nominations, *Verdon* 9550. 9559——Provision that the nomination paper must be signed by not less than ten electors, *ib.* 9550——Checks and penalties upon fictitious signatures to the nomination papers, *ib.* 9554–9558——Excellent effect of the abolition of public nomination in the colony, *Fitzgerald* 11043–11045.

7. *Declaration of the Poll:*

Public declaration of the poll when the ballot-boxes have all been received by the returning officer, and the scrutiny has been completed; the declaration is usually on the day after the polling, *Verdon* 9580–9585——Practice as to the declaration of the poll; absence of tumult on such occasions, *Muir* 9946–9954.

8. *Petitions:*

Instances of objection and of petition against the return of candidates on the ground that voters were not qualified, or that bribery in the shape of treating had been practised, *Verdon* 9586–9591. 9604. 9609–9612——Practice of referring petitions to an election committee, by whom inquiries are made and scrutinies conducted; particulars hereon, *ib.* 9589–9593. 9599–9609.

9. *Municipal Elections:*

Explanation relative to the municipal franchise and Parliamentary franchise respectively, payment of rates and residence being necessary in each case, *Verdon* 9744–9761——Conduct of the municipal elections by ballot, *ib.* 9826, 9827. 9842–9845.

10. *Other Details generally:*

Statement of the franchise for the Legislative Council and Legislative Assembly respectively, there being thirty members in the Council and seventy-eight in the Assembly, *Verdon* 9540–9543——Election of the Members of each House for stated periods, the ballot being adopted in each case, *ib.* 9544–9547——Adoption of the ballot in the colony about thirteen years ago, *ib.* 9550——Great variation in the size and population of the electoral districts, *ib.* 9594–9596. 9680. 9716——Much less numerous electors for the Legislative Council than for the Assembly, the electoral districts being much larger in the former case, *ib.* 9596, 9597——Different practice for the issue of writs for the Council and for the Assembly, *ib.* 9598.

Great interest and excitement at the elections, the people voting in large numbers, and the seats being, as a rule, contested, *Verdon* 9625–9634. 9685. 9803, 9804——Information relative to the appointment of the returning officers; belief as to the sufficiency of the present check upon their ascertaining how the votes were given, *ib.* 9645–9649. 9675–9682. 9797——Opposing parties in the colony, the mode of action in respect of public works and Government lands being one of the main questions before the public, *ib.* 9686–9690. 9704–9707——Special provision for enabling those on the ratepayers' roll to vote who cannot read or write; disqualification on this ground of those on the electors' right roll, *ib.* 9762–9765——Decreasing portion of the people who cannot read or write, *ib.* 9770–9772.

Explanation as to the Roman Catholics having opposed the ballot, *Verdon* 9808. 9833–9838——Very similar character of the constituencies in Victoria before and since the ballot, *ib.* 9822–9825——Proper influence exercised by the Roman Catholic clergy in connection with the elections, *ib.* 9834. 9837——Properly qualified persons chosen as deputy returning officers, *Muir* 9862–9872.

Impression in the colony as to the exercise of undue influence by the Roman Catholic priesthood, *Fitzgerald* 10889, 10890. 11017——Explanation relative to the qualification for the franchise, *ib.* 10926. 10972, 10973. 11008–11013——Disapproval of the ballot only by the Roman Catholics, *ib.* 10969. 11014–11018——Large number of polling places in Victoria; varying size of the constituencies adverted to hereon, *ib.* 10984–10992.

Disqualification for the franchise if persons are in receipt of charitable relief, *Fitzgerald* 11013. 11055——Great deterioration in the constitution of the Legislative Assembly, though witness does not attribute this to the ballot, *ib.* 11037–11042——System of of public meetings and of committees by which the opinions of the candidates are made known, *ib.* 11046–11054.

Void Elections. Several grounds on which an election may be avoided; instance at Beverley of a void election in accordance with the principles of the common law, *Sir S. Martin* 10524. 10548, 10549. 10640——Conclusion that, instead of treating certain practices as a misdemeanour, the loss of the seat would be a much more deterring penalty, *Sir C. Blackburn* 11963. 11970——Objection to the judge being bound by a hard-and-fast line as to the particular acts which should void a seat, *ib.* 11977——Approval of a prohibition upon a Member sitting for any other place during that session, if unseated for intimidation or treating done by his personal instigation or consent, *ib.* 12033–12036.

See also *Bribery. Expenses of Elections. Illegal Acts. Treating.*

Report, 1869—*continued.*

VOTING PAPERS:

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections:*

Explanation of the present mode of preparing the voting papers for municipal elections, as at Nottingham, and of handing them in at the poll; abuse to which liable, *Barber* 38–40——Further statement as to the mode of voting by means of voting papers, and as to there being no proper secrecy, *ib.* 190–194. 221–231——Liability of the voting papers to be tampered with, *Darvill* 494-496. 517, 518——Improvement if in lieu of the system of voting papers, personal voting were adopted for municipal elections, *ib.* 513-515. 517, 518——Further objection to the system of voting papers as affording opportunities both for tampering and intimidation, *ib.* 686–690. 700. 777–780.

Opinion favourable to the system of voting papers, *Bleckly* 1120–1122——Approval generally of the system of voting papers at municipal elections, though some instances of tampering arise, *Addyman* 1422,1423. 1442, 1443. 1500.

2. *Parliamentary Elections:*

Statement relative to the present practice of recording votes at Parliamentary elections, showing the advantage anticipated from the electors polling by means of cards, to be supplied by the candidates, *Bleckly* 1288–1302——Objection to voting papers being collected at the houses of the voters, *Davies* 3746–3748——Probable advantage if a system of voting papers were adopted, *Bush* 4407. 4416-4422——Approval of a proper system of voting papers as a check upon intimidation and bribery, *Stokes* 4491-4494——Approval of the use of voting papers under proper safeguards, *Hill* 4686, 4687——Safeguards required in connection with a system of voting papers; doubt as to much abuse arising, *Cheese* 5179–5187.

Very satisfactory working of the system of voting papers at Poor Law elections in Ireland, *Norwood* 8119–8122. 8295–8298——Proposition that the system of voting papers, as in the case of the Dublin University elections, be adopted for Parliamentary elections generally, as a supplementary mode of voting, where the voters prefer to adopt such mode; question hereon whether undue influence might not arise in the signing of the papers before a magistrate, *ib.* 8130. 8261–8266. 8281–8306. 8309–8326.

Decided objection to a system of voting papers at elections in Ireland, as placing the tenant's vote entirely at the mercy of the landlord, *M'Dermott* 8604-8608——Frequent abuse of the system of voting papers at Poor Law elections, *ib.* 8606, 8907.

Opinion that voting papers would be the best means of checking, if not preventing, bribery and intimidation, *Edge* 12804——Explanation in detail relative to the scheme of voting papers proposed by witness, being a modification of the plan in use for the election of Poor Law guardians, *ib.* 12805 *et seq.*——Suggestions relative to the issue of the voting papers by the returning officer, and their delivery at the houses of the electors, *ib.* 12806, 12807. 12813.

Proposal that the papers be delivered three days before the election, and that during this period no canvassing be allowed, *Edge* 12806, 12807. 12839–12857. 12942–12945——Expectation that witness's system of voting papers would prevent bribery on the polling day, as well as intimidation by mobs, and the "bottling" or kidnapping of voters; grounds for this conclusion considered, *ib.* 12836 *et seq.*——Explanation of the arrangements proposed for the collection of the voting papers; doubt as to any abuse arising on this score, or as to an unduly long time being occupied in a house-to-house collection, *ib.* 12807. 12813–12820. 12891–12893. 12912–12916. 12948–12951. 12971–12980.

Proposed publication of the votes after the election; check thereby upon personation, *Edge* 12807. 12811, 12812. 12823–12832. 12858–12863——Question considered whether in the signing of the voting papers, the voters might not be subject to undue influence or bribery; grounds for dissenting from this view, *ib.* 12821. 12987–13001——Difficulty as to the voters signing in the presence of the collecting officer, though this would obviate any chance of intimidation, *ib.* 12878–12885——Opinion as to the facility of checking frauds or personation in the signing of voting papers, *ib.* 12918, 12919

Possibility of the loss of many votes through the papers not being signed when called for, or being lost, *Edge* 12933–12939. 12952, 12953——Limited extent to which witness is aware of falsification of voting papers at elections of guardians or local boards, *ib.* 12958–12963——Suggested modification of the university system, in applying a system of voting papers to county elections, *ib.* 12981, 12982——Penalty contemplated as a check upon employers exercising undue influence as to the signing of voting papers, *ib.* 12987–12994.

Conclusion in Draft Report of Chairman of the Committee, unfavourable to a system of voting papers, *Rep.* xix.

Report, 1869—*continued.*

W.

WALES:

1. *Landlord Influence at the Elections.*
2. *Influence of the Clergy.*
3. *Extent of Bribery and Treating.*
4. *Question of the Ballot.*

1. *Landlord Influence at the Elections:*

Evidence to the effect that Conservative landlords do not exercise undue influence over their tenants as to their votes, though they generally express a wish on the subject, *Cheese* 5077-5081. 5126-5134. 5164-5169——Statement that, though having considerable experience as a land agent, witness knows no instance of tenants having suffered through voting in opposition to their landlords, *ib.* 5077, 5078. 5168, 5169.

Grounds for the conclusion that the landlords in Wales exercise an undue influence at the elections, *Williams* 5239-5247——Witness is not aware of any actual instance of coercion of tenants for political views, *ib.* 5246.

Statement that nearly all the farmers in Wales are tenants-at-will, and have not, as a rule, any means of receiving compensation for improvements, *Harris* 6282, 6283. 6320-6326——Independent feeling of the tenants in Church matters and in general politics, the protection of the ballot being greatly needed in order to secure freedom of election, *ib.* 6339 *et seq.*——Expectation alike of Whig and Tory landlords that their tenants will vote with them, the latter having great repugnance to the constraint put upon them, *ib.* 6335-6382. 6407-6409——Strong feeling of the tenants as to the want of leases or of tenant right, *ib.* 6368, 6369.

Belief as to the absence of coercion on the Liberal side at the elections in Wales, *Rev. M. D. Jones* 6619-6624. 6687-6695. 6802.

Inclination generally of the Welsh tenants to vote with their landlords, *W. Jones* 8480-8486.

2. *Influence of the Clergy:*

Great interest taken by the clergy of all denominations in Wales in the last election, *Cheese* 5053-5057. 5170——Peculiarly active interest taken by the Dissenting clergy in the Liberal cause; sundry instances of this, *ib.* 5058 *et seq.*——Instances of two Dissenting ministers having acted as paid agents, *ib.* 5058. 5065.

Statement as to the influence exercised by the Dissenting clergy at the elections being of a much stronger and more objectionable character than that exercised by the clergy of the Church of England, *Cheese* 5102 *et seq.* 5196, 5197——Explanation that the Wesleyans do not interfere in the same way as other Dissenting bodies, *ib.* 5120——Objection to the influence exercised by the Dissenting clergy as compared with the landlord's influence, *ib.* 5121-5134. 5137-5143. 5163-5169. 5206, 5207. 5218-5221——Peculiar susceptibility of the Welsh in respect of religious influences, *ib.* 5178. 5188.

Belief as to the entire inaccuracy of the evidence of Mr. Cheese relative to the exercise of undue influence and spiritual intimidation at the Welsh elections by the Dissenting clergy, *Williams* 5230-5236. 5248-5251——Explanation that the use of chapels for secular and electioneering purposes is by no means uncommon, *ib.* 5236——Active influence of the Church of England clergy on the Conservative side, *ib.* 5237, 5238.

Denial that the Dissenting clergy in Wales exercised any undue spiritual influence at the elections, *Rev. M. D. Jones* 6596-6599. 6627. 6697-6702. 6743-6748——Considerations as to the influence of the Dissenting clergy in forming the political opinions of the quarrymen and of the voters generally; denial of any undue influence in this respect, *ib.* 6625-6629. 6696-6728-6789-6797——Examination on the subject of the use of Dissenting chapels in Wales for political meetings; this is frequently done, and witness approves of the practice when other accommodation is unavailable, *ib.* 6639-6659. 6738-6742. 6793-6801. 6803-6814.

3. *Extent of Bribery and Treating:*

Exceptional instances of bribery at elections in Wales; few petitions consequent on the last general election, *Cheese* 5144-5156. 5161, 5162. 5189-5191——Considerable amount of treating or drinking, riots sometimes resulting, *ib.* 5157-5160.

4. *Question of the Ballot:*

Absence of any general feeling among farmers in Wales in favour of the ballot, *Cheese* 5082-5084——Doubt as to the ballot having any effect in Wales in preventing spiritual influence, *ib.* 5137-5205. 5222. 5226, 5227——Strong feeling in Wales in favour of the ballot, *Harris* 6331. 6339——Doubt as to any difficulty in the working of the ballot in Wales, notwithstanding the defective education of the people, *Rev. M. D. Jones* 6749-6760

Report, 1869—*continued.*

WALES—continued.

4. *Question of the Ballot*—continued.

6760——Belief that the ballot in Wales would give increased influence to the dissenting clergy, their influence being already very great, *W. Jones* 8482—8488.

See also *Brecon. Cardiff. Cardiganshire. Merionethshire. Monmouthshire. Montgomeryshire.*

Wallingford. Certificate and report by Mr. Justice Blackburn in the matter of the Wallingford Election Petition, *App.* 577.

Warrington. Very satisfactory manner in which the municipal elections have been conducted at Warrington since the Act 22 Vict., *Bleckly* 1036 *et seq.*——Considerable amount of bribery and other undue influence at the elections previously to 1859, *ib.* 1037. 1083——Less political excitement in connection with the municipal elections in recent years; desire to enter the town council irrespectively of politics, *ib.* 1053–1058. 1067–1072. 1099-1102——Little, if any, treating at the elections, *ib.* 1059. 1073–1075——Belief that no occasion has arisen for putting the penal clauses of the Act of 1859 in operation, *ib.* 1060–1066.

Orderly and respectable conduct of the Parliamentary elections at Warrington; failure of the attempt to unseat the present members, *Bleckly* 1077–1080——General feeling at Warrington as to the satisfactory conduct of the municipal elections during the last ten years, *ib.* 1109——Details in connection with some mistakes in the recording of votes at the last Parliamentary election; difficulty of rectification in such case under the ballot, *ib.* 1121. 1123–1146. 1157–1162. 1169–1175. 1278–1282. 1288 *et seq.*——Impression that there was no bribery at the last Parliamentary election, *ib.* 1176. 1370–1374——Belief that there was no authorised treating at the election, though there might have been some treating by partisans, *ib.* 1177–1184. 1352–1355. 1370–1374——Noisy and disorderly character of the proceedings at the nomination day, *ib.* 1185–1200.

Nearly equal number of Parliamentary and of municipal voters at Warrington, *Bleckly* 1312. 1356, 1375——Slight extent to which there has been any personation at the Warrington elections, *ib.* 1313–1315——Fair wages earned by the operative class, only a very small portion of whom are open to bribes, *ib.* 1358–1366.

Particulars as to some votes at the Warrington election having been tendered to another person than the check clerk; precautions suggested on this point, *Sir S. Martin* 10653–10658.

Certificate and report by Mr. Justice Martin in the matter of the Warrington Election Petition, *App.* 577.

West, Edward. (Analysis of his Evidence.)—Is Mayor of Bradford, 2860——Submits that public nominations for the Parliamentary elections at Bradford have caused great disorder and have been complete failures, there being a general feeling in the town that such nominations should be abolished, 2861. 2867–2871. 2879——Great improvement if the Parliamentary nominations were made by papers, certain improvements upon the plan of nomination by papers in municipal elections being desirable, 2862–2866.

Large meetings held by the Parliamentary candidates at Bradford, though not necessary as a means of making public their political views, 2872–2878——Prevalence of treating at both municipal and Parliamentary elections, 2880——Obstacle to an enforcement of the law against treating, as the punishment is considered too severe, 2881, 2882——Exercise of intimidation at Bradford on both sides, small tradesmen and shopkeepers being much subjected to undue influence, 2883–2885.

[Second Examination.]—Great danger of a riot at the last declaration of the poll at Bradford, 2886——Conclusion that the public declaration of the poll is both useless and dangerous, 2887——Suggestion that at the municipal nominations a portion of the expenses be deposited, as a check upon vexatious nominations, 2888, 2889——Objection to the expenses of Parliamentary elections being borne by the borough, 2890. 2932, 2933——Improvement if the nomination papers were not received later than eight or nine o'clock in the evening, 2891, 2892.

Proposal that there be an interval of three days between the nomination and the election, both at municipal and Parliamentary elections, 2892–2896. 2990–2993. 3039–3044——Amendments suggested in the system of election of auditors and assessors for municipal purposes, 2896–2900——Limited amount of corrupt practices at the Bradford Parliamentary elections, save in the shape of treating; great corruption on the latter score, 2901–2927——Very pure character of the last Parliamentary election, 2902. 2998——Exercise of undue influence at the Parliamentary elections, the small tradesmen being often put under pressure by the working men, 2903. 2906. 2929–2931.

Decided approval of the ballot as a means of preventing not only intimidation but treating and bribery generally, 2904–2906. 2923–2927. 2946 *et seq.*——Extensive treating at the Bradford municipal elections as well as at the Parliamentary elections, 2918——State of local feeling on the subject of bribery and treating; absence of prosecutions on the subject, 2919–2922. 2928. 3003–3007——Non-objection to the legal or necessary

Report, 1869—*continued.*

West, Edward. (Analysis of his Evidence)—*continued.*

expenses of municipal elections being borne by the borough, 2934–2937——Considerable amount of treating at low public houses at Bradford used nominally as committee-rooms, 2938–2945.

Great improbability of candidates running the risk of bribing if there were the ballot, even though the lower class of voters might always continue open to bribery, 2955–2963. 2994–3002——Growing public opinion in favour of the pure conduct of elections, improved education tending to increase this feeling; expediency nevertheless of the protection of the ballot, 2964–2976. 2999–3001——Consideration of the machinery for carrying out secret voting; contemplated employment of an officer at each booth who should be sworn to secresy, 2976–2985. 3024–3028.

Frequency of fictitious nominations at the Bradford municipal elections, 2986–2989——Occurrence of treating and bribery in the case chiefly of the uneducated class of voters, 2994–3000——Large number of Irish voters on the municipal and Parliamentary registers, the wages of these being very low, 2996. 3047–3050——Expediency of some improved process of prosecution for corrupt practices at municipal elections, 3008——Importance of increasing the number of polling places at the elections at Bradford, 3009, 3010.

Statement favourable to voiding the seat of the candidate returned at the Parliamentary election, if the agent for election expenses, or the candidate himself makes a fictitious return of the expenses; present regulations on this point considered, 3009-3023. 3032-3035——Approval of the public-houses being closed on the day of election, and of declaration of the poll, 3029–3031——Recommendation that open nominations be abolished for county elections as well as for borough elections, steps being taken to prevent inconvenience through fictitious nomination, 3036, 3037. 3051–3055.

Expediency of nomination by papers conjointly with an interval of three days between the nomination and polling, 3038–3040——Increased demand for the ballot at Bradford by reason of the large extension of the franchise, 3045, 3046.

West Riding. Information relative to a question in the case of the West Riding election whether certain expenditure in refreshments for voters was corrupt expenditure; doubt whether this amounted to treating within the meaning of the Act, *Sir S. Martin* 10571–10586.

Westbury. Success of the Westbury petition on the ground of undue influence by an agent, *Sir J. S. Willes* 10732, 10733.

Certificate and report by Mr. Justice Willes in the matter of the Westbury petition, *App.* 577, 578.

Westminster. Instances of bribery at the Westminster election by a supporter of Mr. Smith; failure, however, of the attempt to prove that this person was an agent, *Sir S. Martin* 10527–10529——Excessive expenditure of Mr. Smith at the election; belief, however, that no illegal expenditure was intended by him, *ib.* 10530–10534. 10542——Failure of an attempt to prove treating on the part of Mr. Smith, *ib.* 10542.

Wexford. Certificate and report by Chief Justice Monahan in the matter of the Wexford Borough election petition, *App.* 588.

Wick Burghs. Certificate and report by Lord Jerviswoode in the matter of the Wick Burghs election petition, the same having been withdrawn, *App.* 580.

Wigan. Singularly pure character of the Wigan election, *Sir S. Martin* 10521.

Certificate and report by Mr. Justice Martin in the matter of the Wigan petition, *App.* 578.

Willes, Sir James S., Knight. (Analysis of his Evidence.)—Has tried ten election petitions, the seat having been voided in two instances on the ground of undue influence, 10714–10717——Explanatory statement relative to the undue influence extensively exercised in the Tory mills at Blackburn, chiefly by overlookers and fellow-workmen, the election having been voided on this ground, 10718–10731——Success of the Westbury petition adverted to, 10732, 10733——Information on the subject of treating, or rather of eating and drinking, under various forms, there being several forms of treating which do not by law vitiate the election, 10734–10739.

Almost total absence of bribery in the cases tried by witness, 10740——Several instances of alleged undue influence investigated by witness at other places besides Blackburn and Westbury, but without the seat being voided, 10741–10743——Consideration of the question whether an election should not be vitiated on the general ground that there had been a much larger expenditure than, in the opinion of the judge, was reasonable or necessary, 10744–10751. 10798–10800——Amendments suggested in the provisions of the Corrupt Practices Act as to treating, with a view to making the law more stringent and comprehensive, 10752–10759——Advantage if committee-rooms were not

Report, 1869—*continued.*

Willes, Sir James S., Knight. (Analysis of his Evidence)—*continued.*

not held at public-houses, it being very difficult, however, in some instances to provide them elsewhere, 10760–10765.

Information relative to the provisions on the subject of agency, and their operation, as involving risk to the candidate; conclusion that the law is on the whole substantially just, 10766–10783. 10801, 10802. 10849-10853——Effect of extensive bribery or intimidation in vitiating the election, even though agency cannot be proved, 10775–10783——Opportunities of the judges for arriving at conclusions as to the general character of the boroughs where corrupt practices are alleged, 10784, 10785——Explanation relative to the power of the judge, under Section 32 of the Act, to require the attendance of any witness; difficulties as to the exercise of this power, 10786–10792.

(*Sir Samuel Martin.*) Conclusion as to the injurious effect likely to result from the interference of the judge in calling witnesses, 10791——Explanation as to witness not having followed up a case of suspected bribery which came to light on the Norwich investigation, 10793-10796.

(*Sir J. S. Willes.*) Suggestion that if the judge is to act as a censor, and to call witnesses, he should be furnished with a solicitor, 10797——Exception taken to the section of the Act relative to the issuing of a commission, *ib.*——Concurrence between the judges in Ireland and England as to the law of agency, 10803——Concurrence of witness with Mr. Justice Keogh in the view that spiritual intimidation comes within the 5th section of the Act, 10804.

Check, through the taxation of costs, upon the expense of inquiries before a judge; impression as to the expense being less than inquiry before a Select Committee, 10805–10810——Great relief to the judge if he were assisted by two assessors in deciding upon questions of fact, 10811–10817——Importance of the inquiry being local, 10818, 10819——Very general satisfaction given by the working of the Corrupt Practices Act, 10819.

Examination upon the question of there being power under the Act to present a second petition when corrupt payments for treating or bribery are subsequently made; suggested amendment in this respect, 10820–10833——(*Sir J. S. Willes and Sir S. Martin.*) Explanation of the state of the law on the subject of a petition against a candidate or Member, on account of corrupt practices at a previous election at which he was a candidate, 10834–10842——Statement showing that in the majority of the cases tried the costs followed the result, 10843–10848.

(*Sir J. S. Willes.*) Little, if any, difficulty experienced by witness as to what constitutes agency, 10849-10853——Inadequacy of the provision in the Representation of the People Act, which disentitles electors to vote who are employed and paid as committee-men or canvassers; suggestion that the voting of such persons should void the election, 10853-10859——Recommendation that no refreshments or treating be allowed in the case of committees or canvassers, 10853. 10856, 10587——(*Sir S. Martin.*) Inconvenience in questioning voters when about to poll as to their being employed and paid, 10861.

Williams, Ben Thomas. (Analysis of his Evidence.)—Is a barrister on the South Wales Circuit; has had considerable experience in respect of elections in Wales, 5228, 5229. 5239——Belief as to the entire inaccuracy of the evidence of Mr. Cheese relative to the exercise of undue influence and spiritual intimidation at the Welsh elections by the Dissenting clergy, 5230-5236. 5248-5251——Explanation that the use of chapels for secular and electioneering purposes is by no means uncommon, 5236——Active influence of the Church of England clergy on the Conservative side, 5237, 5238——Statement in support of the conclusion that the landlords in Wales exercise an undue influence at the elections, 5239-5247.

Wilson, John. (Analysis of his Evidence.)—Is an ironmonger at Ashton-under-Lyne; concurs in the evidence of Mr. Hampson as to the prevalence of intimidation and undue influence at the local elections, 2761–2764——Statement showing that in consequence of witness's support of Mr. Mellor at the late Parliamentary election several members of the Whittaker family, who were supporters of Mr. Milner Gibson, withdrew their custom from him, 2765–2768. 2772–2775.

Approval of the ballot, both for municipal and Parliamentary elections, 2769-2771——Practice at Ashton for both Conservatives and Liberals to support tradespeople according to their politics, 2770, 2771. 2779–2784——Undue influence exercised in the town council, on the Liberal side, in reference to the election, 2775–2778.

WINDSOR:

1. *Municipal Elections.*
2. *Parliamentary Elections.*

1. *Municipal Elections:*

Majority of Liberal electors at Windsor, so that bribery is resorted to by the other side, *Darvill* 486–493. 543–545. 569–582——Frequent intimidation at the municipal

Report, 1869—*continued.*

WINDSOR—continued.

1. *Municipal Elections*—continued.

elections, *Darvill* 494——Peaceable conduct of the elections, *ib.* 497——Estimate of from fifty to sixty voters as the number that would expect payment for their votes, the total number being about 630, *ib.* 498, 499. 540-542——Conclusion that when the Parliamentary election closely follows the municipal election the former is affected by the latter, *ib.* 501, 502.

Probability of some of the municipal elections at Windsor costing a candidate 50 *l.*, *Darvill* 531, 532——Consideration of the circumstance of there having been no prosecutions on the part of the respectable inhabitants of Windsor in respect of bribery both at municipal and Parliamentary elections, *ib.* 546-560. 583-591. 710-722. 762-768. 810-825——Belief as to there having been much bribery at the Windsor municipal election in November last, *ib.* 723, 724——Probability of more importance being attached to municipal elections, now that the constituency has been assimilated to the Parliamentary constituency, *ib.* 725——Refusal of many trades-people and others to vote through fear of giving offence, *ib.* 727.

Origin of the municipal corruption at Windsor further adverted to, *Darvill* 749-755——Very little interest taken in the municipal elections by many of the more respectable residents, *ib.* 756-761——Absence of any instances of vexatious nomination for the town council, *ib.* 888-890. 894, 895.

Opinion that there are not more than thirty-five or forty municipal voters at Windsor who receive payment for their votes, *Hebbert* 898-904——Belief as to the last municipal election having been worked with reference to the Parliamentary election, *ib.* 10-912.

2. *Parliamentary Elections*:

Opinion that at the last Parliamentary election for Windsor 100 people were bribed, *Darvill* 512——Corrupt system of annual gratuities in force for many years with reference to the Parliamentary and municipal elections, *ib.* 570-576. 669-672. 685——Purchase of cottage property at Windsor with reference to the Parliamentary elections, the occupiers being intimidated as to their votes; removal of this abuse under the protection of the ballot, *ib.* 576, 577. 607-610. 614-624. 674-679——Several election petitions from Windsor in respect of different contests for the borough, *ib.* 762-768——Explanation as to an inquiry not having been instituted with respect to bribery by Mr. Gardner at the last election, *ib.* 768. 810-816.

Practice at Windsor of purchasing cottage property for political or election purposes, *Hebbert* 905-909——Prevalence of bribery and intimidation at the Parliamentary elections, so that the ballot has become a positive necessity, 913-946.

Certificate and report by Mr. Justice Willes in the matter of the Windsor election petition, *App.* 578.

See also *Ballot*, II. 1.

Wooodthorpe, Frederick. (Analysis of his Evidence.)—Is Town Clerk of the City of London, 947——Explanation of the system of nomination and election of aldermen, common councillors, and ward officers for the City, there being special Acts for the purpose, 948-959. 989 *et seq.*——System of an open poll for the municipal elections, no voting papers being used, 957-959——Conclusion as to the pure manner in which the municipal elections are conducted, neither bribery nor intimidation having ever come to witness's knowledge, 960, 961. 971-977. 1018, 1019.

Statement of the qualification of liverymen of the City of London, and of their number: restriction as to number in the case only of some of the companies, 962-966. 1024-1031——Total of about 12,000 municipal electors and of about 18,000 Parliamentary electors, 967, 968——Respectable position occupied by most of the municipal voters, 969, 970——Witness is not cognizant of any bribery at the Parliamentary elections for the City, 978-981.

Doubt as to the feeling in the common council on the question of the ballot, 982. 987, 988——Witness considers that the franchise should be used openly, and that the ballot would lower the standard of the voter, 983-986.

Statement of the qualifications for the office of common councilman, 994-996——Right of the liverymen to vote at the Parliamentary elections, if they be freemen of the City, 997-1000——Further explanation of the mode of election of Lord Mayor, aldermen, common councilmen, &c.; the system works exceedingly well, 1001-1016——Belief that politics do not enter into the municipal elections, 1020-1023.

Working Classes. Doubt as to the present system of open voting being any check upon factory operatives voting against their known opinions, through fear of being twitted and reproached by their fellow workmen, *Darvill* 863-872——Statement as to the political opinions of operatives being generally known to each other, and as to there being thus a protection

Report, 1869—*continued.*

Working Classes—continued.

protection against their voting corruptly, under the system of open voting, *Bleckly* 1152–1154. 1163–1167. 1229–1235——Improvement if the working classes, as at Liverpool, could record their votes near their places of employment, *Forwood* 3336–3339 ——Hardship in the opinion of many of the working classes, through the loss of time and of wages, in going to the poll; advantage on this score of a system of voting papers, *Edge* 12917.

Wynn, Sir Watkin. See *Merionethshire.*

Y.

Yorstown, Captain Carthew. (Analysis of his Evidence.)—Is a resident in Dumfriesshire, and took an active part at the last two elections, 7894–7896——Confirms the evidence of Mr. Kennedy, and positively denies that the result of the last election was brought about by landlords' intimidation, 7897–7904——Denies the accuracy of a statement by Mr. M'Gowan relative to the non-renewal of the lease of a certain tenant through his having voted on the Liberal side, 7902–7904.

INDEX

TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

PARLIAMENTARY AND MUNICIPAL ELECTIONS.

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1869.

[*Price* 1 *s.* 2 *d.*]

352 —1.

Under 12 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

ENDOWED SCHOOLS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
11 *May* 1869.

208.

Monday, 15*th March* 1869.

Ordered, That the Endowed Schools Bill be read a second time, and committed to a Select Committee.

Thursday, 1*st April* 1869.

Ordered, That the Committee do consist of Twenty-one Members.

Committee nominated of—

Mr. William Edward Forster.
Sir John Coleridge.
Mr. Walpole.
Mr. Acland.
Mr. Mowbray.
Mr. James Howard.
Mr. Adderley.
Mr. Buxton.
Sir John Pakington.
Mr. Melly.
Sir Stafford Northcote.
Mr. Walter.
Sir John Hay.
Mr. Parker.
Mr. George Gregory.
Mr. Winterbotham.
Mr. John Talbot.
Mr. Jacob Bright.
Mr. Beresford Hope.
Mr. Dillwyn.
Mr. Goldney.

Ordered, That Five be the Quorum of the Committee.

Friday, 2*nd April* 1869.

Ordered, That the Committee do consist of Twenty-two Members.

Ordered, That Mr. Alderman Lawrence be added to the Committee.

Ordered, That Sir John Hay be discharged from attendance on the Committee; and that Lord Robert Montagu be added to the Committee.

Tuesday, 6*th April* 1869.

Ordered, That all Petitions relating to the Endowed Schools Bill which have been presented during the present Session, or which may be presented during the Sitting of the Select Committee on the Endowed Schools Bill, be referred to such Committee.

Ordered, That the Committee have power to send for Papers and Records.

Monday, 10*th May* 1869.

Ordered, That it be an Instruction to the Select Committee on Endowed Schools Bill, that they have power to divide the said Bill into two Bills, and to report such two Bills, or either of them separately, to The House.

REPORT - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv

REPORT.

THE SELECT COMMITTEE to whom the ENDOWED SCHOOLS BILL was referred, and who were empowered to divide the Bill into two Bills, and to report such two Bills, or either of them separately, to the House;——HAVE divided the said Bill into two Bills, and have gone through one of the said Bills, "To amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education," and made Amendments thereunto.

11 *May* 1869.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 6th April 1869.

MEMBERS PRESENT:

Mr. W. E. Forster.	Sir John Coleridge.
Mr. Walpole.	Mr. Buxton.
Mr. Walter.	Sir John Pakington.
Mr. George Gregory.	Mr. Winterbotham.
Mr. Parker.	Mr. Adderley.
Mr. Beresford Hope.	Mr. James Howard.
Mr. Goldney.	Mr. Melly.
Lord Robert Montagu.	Mr. John Talbot.
Mr. Alderman Lawrence.	Mr. Jacob Bright.
Mr. Acland.	Mr. Dillwyn.

Mr. *W. E. Forster* was called to the Chair.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 9th April 1869.

MEMBERS PRESENT:

Mr. W. E. FORSTER in the Chair.

Lord Robert Montagu.	Mr. Acland.
Mr. Winterbotham.	Mr. Adderley.
Mr. Mowbray.	Mr. Beresford Hope.
Mr. Walter.	Mr. Gregory.
Mr. Alderman Lawrence.	Sir John Pakington.
Mr. Melly.	Mr Solicitor General.
Mr. Walpole.	Mr. Howard.
Mr. Parker.	Mr. Buxton.
Mr. Dillwyn.	Mr. Goldney.
Mr. Talbot.	Mr. Jacob Bright.

The Preamble was postponed.

Clauses 1 and 2, *agreed to.*

Clause 3, *postponed.*

Clause 4.—Amendments made; Clause, as amended, *agreed to.*

Clause 5, *postponed* till after the consideration of Clause 6.

Clause 6.—Amendments made; Clause, as amended, *agreed to.*

Clause 5, *agreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 13*th April* 1869.

MEMBERS PRESENT:

Mr. W. E. Forster in the Chair.

Mr. Alderman Lawrence.	Mr. Howard.
Mr. Dillwyn.	Mr. Winterbotham.
Sir S. Northcote.	Mr. Adderley.
Mr. Walter.	Mr. Acland.
Mr. Mowbray.	Lord R. Montagu.
Mr. Talbot.	Mr. Walpole.
Mr. Beresford Hope.	Mr. Parker.
Mr. Goldney.	Sir J. Coleridge.
Mr. Melly.	Mr. Buxton.
Mr. Bright.	Mr. Gregory.

Clause 8.—Amendments made.—Amendment proposed in line 41, after the word "thereof," to add the words "except as to Part 2 of this Act"—(Lord *R. Montagu*).—Amendment, by leave, withdrawn.—Other Amendments made.—Clause, as amended, *agreed to.*

Clause 9, amended, and *agreed to.*

Clause 10.—An Amendment made.—Amendment proposed at the end of the Clause to add the words, "But such power shall not extend to deprive any such governing body, whether corporate or unincorporate, of any of their rights and powers, or to remove, either wholly or partially, any such governing body, or to dissolve such corporation without satisfactory proof that such governing body has abused or improperly used the trusts for which such governing body was appointed" (Mr. Alderman *Lawrence*).—Question put, That those words be there added.—The Committee divided:

Ayes, 2.	Noes, 18.
Mr. Alderman Lawrence.	Lord Robert Montagu.
Mr. Talbot.	Mr. Dillwyn.
	Mr. Buxton.
	Sir S. Northcote.
	Mr. Walter.
	Mr. Walpole.
	Mr. Mowbray.
	Mr. Hope.
	Mr. Goldney.
	Mr. Melly.
	Mr. Bright.
	Mr. Howard.
	Mr. Winterbotham.
	Mr. Adderley.
	Mr. Acland.
	Mr. Parker.
	Sir J. Pakington.
	Mr. Gregory.

Another Amendment proposed, at the end of the clause to add the words "Provided always, that with reference to educational endowments which, in the opinion of the Commissioners (subject to an appeal to Her Majesty in Council, as mentioned in this part of the Act), are, by the express terms of the original instrument of foundation, or of statutes or regulations lawfully made, or of the decree or order of the Court of Chancery, or of any other court of competent jurisdiction, or by continuous custom down to the commencement of this Act, shown to have been intended for and still belong to any church or religious denomination, the members of the governing body shall always be of that church or denomination"—(Mr. *Mowbray*).—Amendment by leave withdrawn.—Clause, as amended, *agreed to.*

Clause 11.—An Amendment made.—Amendment proposed to leave out the words "or otherwise"—(Lord *R. Montagu*).—Question, That those words stand part of the clause,—put, and *agreed to.*

[Adjourned till Friday next, at Twelve o'clock.

Friday, 16*th April* 1869.

MEMBERS PRESENT:

Mr. W. E. Forster in the Chair.

Lord Robert Montagu.	Mr. Adderley.
Mr. Walter.	Sir S. Northcote.
Mr. Dillwyn.	Mr. Jacob Bright.
Mr. Acland.	Mr. Gregory.
Mr. Howard.	Sir J. Pakington.
Mr. Alderman Lawrence.	Mr. Parker.
Mr. Talbot.	Mr. Walpole.
Mr. Hope.	Mr. Buxton.
Mr. Goldney.	Mr. Winterbotham.
Mr. Melly.	Sir J. Coleridge.
Mr. Mowbray.	

Clause 12.—Amendments made.—Another Amendment proposed, in line 16, to leave out the words "or educational endowment"—(Mr. *Acland*).—Question put, That those words stand part of the clause.—The Committee divided:

Ayes, 8.	Noes, 9.
Mr. Alderman Lawrence.	Lord R. Montagu.
Mr. Dillwyn.	Mr. Walter.
Mr. Buxton.	Sir J. Pakington.
Mr. Walpole.	Mr. Goldney.
Mr. Mowbray.	Mr. Bright.
Mr. Talbot.	Sir S. Northcote.
Mr. Hope.	Mr. Adderley.
Mr. Gregory.	Mr. Howard.
	Mr. Acland.

Other Amendments made.—Further consideration of the clause *postponed*.

Clause 13.—Amendment proposed, to omit subsection 2—(Mr. *Acland*).—Question, That subsection 2 stand part of the clause,—put, and *agreed to*.

Another Amendment proposed, to add, in line 41, after "scheme," the following subsection: "(4.) with any endowment the governing body of which is the governing body, or is nominated by the governing body of any particular religious denomination, or with any school (unless it is otherwise subject to this Act) which receives assistance out of such endowment, unless the governing body of such endowment or school, as the case may be, assent to the scheme"—(The *Chairman*).—Question proposed, That the proposed subsection be added to the clause.

Amendment proposed to the proposed Amendment, by leaving out the words "any particular religious denomination," in order to insert the words, "the Society of Friends, commonly called Quakers, and the Society of Moravians"—(Mr. *Winterbotham*),—instead thereof.—Question put, That the words proposed to be left out stand part of the said proposed Amendment.—The Committee divided:

Ayes 8.	Noes 11.
Lord Robert Montagu.	Mr. Winterbotham.
Mr. Walpole.	Mr. Alderman Lawrence.
Mr. Mowbray.	Mr. Dillwyn.
Mr. Talbot.	Mr. Walter.
Mr. Beresford Hope.	Mr. Goldney.
Mr. Adderley.	Mr. Melly.
Mr. Acland.	Mr. Gregory.
Sir J. Coleridge.	Mr. Jacob Bright.
	Sir S. Northcote.
	Mr. Howard.
	Mr. Parker.

Words

Words inserted in the proposed subsection.—Question, That the proposed subsection, as amended, be added to the clause,—put, and *negatived.*

Question, That clause 13 stand part of the Bill,—put, and *agreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 20th April 1869.

MEMBERS PRESENT:

Mr. W. E. Forster in the Chair.

Mr. Alderman Lawrence.	Mr. Melly.
Mr. Dillwyn.	Mr. Jacob Bright.
Mr. Buxton.	Sir S. Northcote.
Lord R. Montagu.	Mr. Parker.
Mr. Walter.	Mr. Adderley.
Mr. Walpole.	Mr. Acland.
Sir J. Packington.	Mr. Howard.
Mr. Mowbray.	Mr. Beresford Hope.
Mr. Talbot.	Mr. Gregory.
Mr. Goldney.	Mr. Winterbotham.

Postponed clause 12, further considered.—Amendment proposed after subsection 5, to insert the following subsection: "for saving or making compensation interest of the existing Governors of Christ's Hospital to the right of patronage which has been acquired, granted to, or received by them, in consequence of any gift or donation to the Hospital previous to the passing of this Act"—(Mr. *Goldney*).—Question put, That the proposed subsection be inserted in the clause.—The Committee divided:

Ayes, 8.	Noes, 12.
Mr. Alderman Lawrence.	Mr. Dillwyn.
Sir J. Pakington.	Mr. Buxton.
Mr. Mowbray.	Lord R. Montagu.
Mr. Talbot.	Mr. Walter.
Mr. Goldney.	Mr. Walpole.
Mr. Adderley.	Mr. Melly.
Mr. Howard.	Mr. Bright.
Mr. Gregory.	Mr. S. Northcote.
	Mr. Winterbotham.
	Mr. Acland.
	Mr. Parker.
	Mr. Hope.

Subsection 6.—Amendment proposed, after "him," to add the words "or legally acquired by the governing body by purchase or donation"—(Mr. *Gregory*).—Question put, That those words be there added:

Ayes, 10.	Noes, 10.
Mr. Alderman Lawrence.	Mr. Dillwyn.
Mr. Walter.	Mr. Buxton.
Sir J. Pakington.	Lord R. Montagu.
Mr. Mowbray.	Mr. Walpole.
Mr. Talbot.	Mr. Melly.
Mr. Goldney.	Mr. J. Bright.
Mr. Adderley.	Sir S. Northcote.
Mr. Howard.	Mr. Winterbotham.
Mr. Hope.	Mr. Acland.
Mr. Gregory.	Mr. Parker.

Whereupon the Chairman declared himself with the Noes.

Amendment proposed at the end of the clause, to add the words "It shall also be the duty of the Commissioners in any scheme relating to any endowed school, to take into consideration the right of patronage which may be at the passing of this Act exercised by

any member of the governing body of such school, in consequence of any gift or donation by him."—(Mr. *Walter*).—Question put, That those words be there added.—The Committee divided:

Ayes, 16.	Noes, 4.
Mr. Alderman Lawrence.	Mr. Dillwyn.
Lord R. Montagu.	Mr. Buxton.
Mr. Walter.	Mr. Melly.
Mr. Walpole.	Mr. Acland.
Sir John Pakington.	
Mr. Mowbray.	
Mr. Talbot.	
Mr. Hope.	
Mr.. Goldney.	
Mr. Gregory.	
Mr. Bright.	
Sir S. Northcote.	
Mr. Winterbotham.	
Mr. Adderley.	
Mr. Parker.	
Mr. Howard.	

Another Amendment proposed, after the word "him" to add the words "and also to take into consideration the rights of patronage of the existing governors of an endowed school, unless it shall be proved to the satisfaction of the Commissioners that such patronage has been abused"—(Mr. *Talbot*).—Question, That those words be there added,—put, and *negatived*.—Question, That the clause, as amended, stand part of the Bill,—put, and *agreed to*.

Clause 14.—Amendment proposed, in page 6, line 4, to leave out the words "on a religious subject"—(Lord *Robert Montagu*).—Question, That the words proposed to be left out stand part of the clause,—put, and *agreed to*.

Another Amendment proposed, to leave out from the word "lessons" to the end of the clause—(Mr. *Beresford Hope*).—Question put, that the words "they shall further provide" stand part of the clause.—The Committee divided:

Ayes, 12.	Noes, 7.
Mr. Alderman Lawrence.	Lord R. Montagu.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Buxton.	Mr. Talbot.
Mr. Walter.	Sir S. Northcote.
Mr. Walpole.	Mr. Adderley.
Sir J. Pakington.	M. Hope.
Mr. Goldney.	Mr. Gregory.
Mr. J. Bright.	
Mr. Winterbotham.	
Mr. Acland.	
Mr. Howard.	
Mr. Parker.	

Another Amendment proposed, in line 14, to leave out the words, "teaches systematically and persistently," in order to insert the words "shall persistently and systematically teach any particular religious doctrine to which the parent or guardian of a person liable to maintain, or having the actual custody of such scholar, may in writing have objected"—(Mr. *Walpole*),—instead thereof.—Question, That the word "teaches" stand part of the clause.—The Committee divided:

Ayes, 11.	Noes, 8.
Mr. Alderman Lawrence.	Lord R. Montagu.
Mr. Dillwyn.	Mr. Walpole.
Mr. Buxton.	Mr. Mowbray.
Mr. Walter.	Mr. Talbot.
Sir J. Pakington.	Mr. Goldney.
Mr. J. Bright.	Mr. Adderley.
Sir S. Northcote.	Mr. Howard.
Mr. Winterbotham.	Mr. Hope.
Mr. Acland.	
Mr. Parker.	
Mr. Gregory.	

[Adjourned till Friday next, at Twelve o'clock

Friday, 23*rd April* 1869.

MEMBERS PRESENT:

Mr. W. E. Forster in the Chair.

Mr. Dillwyn.	Mr. Winterbotham.
Mr. Buxton.	Mr. Acland.
Lord R. Montagu.	Mr. Adderley.
Mr. Walter.	Sir J. Pakington.
Mr. Hope.	Mr. Mowbray.
Sir S. Northcote.	Mr. Bright.

Clause 14 further considered.—Amendment proposed, to leave out the words "systematically and persistently any particular religious doctrine disapproved of, &c.," to the end of the clause, in order to insert the words "such lessons in such manner as the parent or guardian of, or person liable to maintain, or having the actual custody of such scholar, alleges to do violence to the rights of conscience, the governing body shall on complaint made in writing to them by such parent, guardian, or person, hear the complainant and inquire into the circumstances; and, upon their satisfying themselves that such teaching was not warranted by the purport of the lessons, make provisions for remedying the matter complained of"—(The *Chairman*),—instead thereof.—Question put, That the words "systematically and" stand part of the clause.—The Committee divided:

Ayes, 4.	Noes, 11.
Mr. Alderman Lawrence.	Mr. Dillwyn.
Sir J. Pakington.	Lord R. Montagu.
Mr. Gregory.	Mr. Walter.
Mr. Bright.	Mr. Hope.
	Mr. Mowbray.
	Mr. Goldney.
	Sir S. Northcote.
	Mr. Winterbotham.
	Mr. Adderley.
	Mr. Acland.
	Mr. Parker.

Question put, That the proposed words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 8.
Mr. Alderman Lawrence.	Mr. Mowbray.
Mr. Dillwyn.	Mr. Hope.
Lord R. Montagu.	Mr. Goldney.
Mr. Walter.	Mr. Gregory.
Sir J. Pakington.	Mr. Bright.
Mr. Acland.	Sir S. Northcote.
Mr. Parker.	Mr. Winterbotham.
	Mr. Adderley.

Question put, That the word "persistently" stand part of the clause.—The Committee divided:

Ayes, 9.	Noes, 6.
Mr. Alderman Lawrence.	Mr. Mowbray.
Mr. Dillwyn.	Mr. Hope.
Lord R. Montagu.	Mr. Goldney.
Mr. Walter.	Sir S. Northcote.
Sir J. Pakington.	Mr. Winterbotham.
Mr. Gregory.	Mr. Adderley.
Mr. Bright.	
Mr. Acland.	
Mr. Parker.	

Remaining words of the clause *agreed to*.—Question put, That the clause, as amended, stand part of the Bill.—The Committee divided:

Ayes, 10.	Noes, 5.
Mr. Alderman Lawrence.	Lord R. Montagu.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Walter.	Mr. Hope.
Sir J. Pakington.	Mr. Goldney.
Mr. Gregory.	Sir S. Northcote.
Mr. Bright.	
Mr. Winterbotham.	
Mr. Adderley.	
Mr. Acland.	
Mr. Parker.	

Clause 15.—Amendment proposed, at the beginning of the clause, to leave out the words "In every scheme"—(Lord *R. Montagu*).—Question, That those words stand part of the clause.—The Committee divided:

Ayes, 12.	Noes, 3.
Mr. Alderman Lawrence.	Lord R. Montagu.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Walter.	Mr. Hope.
Sir J. Pakington.	
Mr. Goldney.	
Mr. Gregory.	
Mr. Bright.	
Sir S. Northcote.	
Mr. Winterbotham.	
Mr. Adderley.	
Mr. Acland.	
Mr. Parker.	

Another Amendment proposed, in line 23, to leave out the word "shall," in order to insert the word "may"—(Mr. *Gregory*).—Question put, That the word "shall" stand part of the clause.—The Committee divided:

Ayes, 10.	Noes, 5.
Mr. Alderman Lawrence.	Lord R. Montagu.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Walter.	Mr. Hope.
Sir J. Pakington.	Mr. Goldney.
Mr. Bright.	Mr. Gregory.
Sir S. Northcote.	
Mr. Winterbotham.	
Mr. Adderley.	
Mr. Acland.	
Mr. Parker.	

Another Amendment proposed, in line 32, to leave out the words "make proper provision," in order to insert the words "give facilities"—(Mr. *Parker*),—instead thereof.—Question, That the words "make proper provision" stand part of the clause,—put, and *agreed to.*

Another Amendment proposed, in line 32, to leave out the word "enabling," in order to insert the word "permitting"—(Lord *R. Montagu*),—instead thereof.—Question, That the word "enabling" stand part of the clause,—put, and *agreed to.*

Another Amendment proposed, in line 33, after the word "exemption," to insert the words "as a day scholar"—(Mr. *Hope*).—Question, That those words be there inserted.—The Committee divided:

Ayes, 8.	Noes, 7.
Lord R. Montagu.	Mr. Alderman Lawrence.
Mr. Walter.	Mr. Dillwyn.
Sir John Pakington.	Mr. Buxton.
Mr. Mowbray.	Mr. Bright.
Mr. Hope.	Mr. Winterbotham.
Mr. Goldney.	Mr. Acland.
Sir S. Northcote.	Mr. Parker.
Mr. Adderley.	

Another amendment proposed, to leave out from the word "lessons" to the end of the clause—(Mr. *Mowbray*).—Question put, That the words proposed to be left out stand part of the clause.—The Committee divided:

Ayes, 9.	Noes, 5.
Mr. Alderman Lawrence.	Lord R. Montagu.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Bright.	Mr. Hope.
Sir J. Pakington.	Mr. Goldney.
Mr. Winterbotham.	Sir S. Northcote.
Mr. Adderley.	
Mr. Acland.	
Mr. Parker.	
Mr. Walter.	

Clause, as amended, *agreed to.*

Clauses 16 and 17, *agreed to.*

Clause 18.—Amendment proposed, in line 1, after the word "to," to insert the words "any school which is maintained out of the endowment of any cathedral or collegiate school, or forms part of the foundation of any cathedral or collegiate church, or"—(The *Chairman*).—Question, That those words be there inserted,—put, and *agreed to.*

Another

Another Amendment proposed, at the end of the last Amendment, to insert the words "of which the governing body is the chapter of any cathedral or collegiate church"—(Mr. *Hope*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 7.
Mr. Walter.	Mr. Alderman Lawrence.
Mr. Walpole.	Mr. Dillwyn.
Mr. Mowbray.	Sir J. Pakington.
Mr. Hope.	Mr. Bright.
Mr. Goldney.	Mr. Winterbotham.
Sir S. Northcote.	Mr. Acland.
Mr. Adderley.	Mr. Parker.

Whereupon the Chairman declared himself with the Noes.

Another Amendment proposed, after the words "educational endowment," to insert the words "the scholars educated by"—(The *Chairman*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 10.	Noes, 5.
Mr. Alderman Lawrence.	Mr. Mowbray.
Mr. Dillwyn.	Mr. Goldney.
Mr. Walter.	Mr. Gregory.
Sir J. Pakington.	Sir S. Northcote.
Mr. Walpole.	Mr. Adderley.
Mr. Hope.	
Mr. Bright.	
Mr. Winterbotham.	
Mr. Acland.	
Mr. Parker.	

Other Amendments made.

Another Amendment proposed, after the words "in this part of this Act," to insert the words "or the evident meaning"—(Sir *S. Northcote*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 9.
Mr. Mowbray.	Mr. Alderman Lawrence.
Mr. Walpole.	Mr. Dillwyn.
Mr. Hope.	Mr. Buxton.
Mr. Gregory.	Mr. Walter.
Sir S. Northcote.	Sir J. Pakington.
Mr. Adderley.	Mr. Goldney.
Mr. Parker.	Mr. Bright.
	Mr. Winterbotham.
	Mr. Acland.

Another Amendment proposed, in page 6, line 11, after the words "foundation, or of," to leave out the words "the statutes or regulations made by or under the direct authority of the founder," in order to insert the words "statutes or regulations lawfully made"—(Mr. *Mowbray*),—instead thereof.—Question put, That the word "the" stand part of the clause.—The Committee divided:

Ayes, 10.	Noes, 6.
Mr. Alderman Lawrence.	Mr. Mowbray.
Mr. Dillwyn.	Mr. Hope.
Mr. Buxton.	Mr. Goldney.
Sir J. Pakington.	Mr. Gregory.
Mr. Walpole.	Sir S. Northcote.
Mr. Bright.	Mr. Adderley.
Mr. Winterbotham.	
Mr. Acland.	
Mr. Parker.	
Mr. Walter.	

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 27th April 1869.

MEMBERS PRESENT:

Mr. W. E. FORSTER in the Chair.

Mr. Dillwyn.	Mr. Parker.
Mr. Buxton.	Mr. Howard.
Mr. Walter.	Mr. Aclaud.
Mr. Walpole.	Mr. Bright.
Mr. Mowbray.	Mr. Alderman Lawrence.
Mr. Talbot.	Mr. Beresford Hope.
Mr. Goldney.	Lord R. Montagu.
Mr. Melly.	Mr. Gregory.
Sir S. Northcote.	Sir J. Pakington.
Mr. Winterbotham.	Sir J. Coleridge.
Mr. Adderley.	

Clause 18 further considered, and amended.—Amendment proposed to insert the words "Thirty years after his death"—(The *Chairman*).—Question proposed, That those words be there inserted.—Amendment proposed to the proposed Amendment by leaving out "Thirty," and by inserting "Fifty"—(Mr. *Hope*),—instead thereof.—Question put, That "Thirty" stand part of the said proposed Amendment.—The Committee divided:

Ayes, 9.	Noes, 11.
Mr. Alderman Lawrence.	Mr. Walter.
Mr. Acland.	Mr. Walpole.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Buxton.	Mr. Talbot.
Mr. Melly.	Mr. Hope.
Mr. Bright.	Mr. Goldney.
Mr. Winterbotham.	Sir S. Northcote.
Mr. Parker.	Mr. Adderley.
Mr. Howard.	Lord R. Montagu.
	Mr. Gregory.
	Sir J. Pakington.

Question, That "Fifty" be inserted instead thereof,—put, and *agreed to.*

Question, That the words, "Fifty years after his death," be inserted in the clause,—put, and *agreed to.*

Another Amendment proposed, to leave out the words "by the continued observance of the same," in order to insert the words "which terms have been observed"—(The *Chairman*),—instead thereof.—Question, That the words proposed to be left out stand part of the clause,—put, and *negatived.*—Proposed words inserted.

Another Amendment proposed, after the word "observed," to insert the word "continuously"—(Mr. *Winterbotham*).—Question, That the word "continuously" be there inserted—put, and *negatived.*

Another Amendment proposed, after the first word "respecting," to insert the words "the qualifications of the governing body, and is also excepted from the foregoing provisions respecting"—(Mr. *Mowbray*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 13.
Mr. Mowbray.	Mr. Alderman Lawrence.
Mr. Talbot.	Mr. Acland.
Mr. Hope.	Mr. Dillwyn.
Sir S. Northcote.	Mr. Buxton.
Mr. Adderley.	Mr. Walter.
Lord R. Montagu.	Mr. Walpole.
Sir J. Pakington.	Mr. Goldney.
	Mr. Melly.
	Mr. Bright.
	Mr. Winterbotham.
	Mr. Parker.
	Mr. Howard.
	Mr. Gregory.

Another Amendment proposed, at the end of the clause to add the words, "And in every scheme, whether relating to an educational endowment before specified in this section or not, the Commissioners shall by the scheme (subject to the foregoing provisions respecting the exemption of certain scholars) make adequate provision for the continuance of

of such religious instruction of the scholars, and of such attendance of the scholars at common prayer and common religious worship, as may be shown to the satisfaction of the Commissioners (subject to appeal to Her Majesty in Council) to have been the continuous custom of the school since the foundation of the endowment"—(Mr. *Hope*).—Question put, That the words, "and in every scheme," be there added.—The Committee divided:

Ayes, 5.	Noes, 15.
Mr. Mowbray.	Mr. Alderman Lawrence.
Mr. Talbot.	Mr. Acland.
Mr. Hope.	Mr. Dillwyn.
Mr. Goldney.	Sir J. Pakington.
Mr. Gregory.	Mr. Buxton.
	Mr. Walter.
	Mr. Walpole.
	Mr. Melly.
	Mr. Bright.
	Mr. Winterbotham.
	Mr. Adderley.
	Lord R. Montagu.
	Mr. Parker.
	Mr. Howard.
	Sir J. Coleridge.

Another Amendment proposed, at the end of the clause, to add the words, "And a scheme relating to any educational endowment the scholars educated by which are not in the opinion of the Commissioners (subject to appeal to Her Majesty in Council, as mentioned in this part of this Act) required by the express terms of the original instrument of foundation, or of the original statutes or regulations made by or under the direct authority of the founder, to learn or be instructed according to the doctrines or formularies of some church, sect, or denomination named in such instrument, statutes, or regulations, shall not require them so to learn or be instructed, but may require them to be instructed in the Holy Scriptures"—(Mr. *Winterbotham*).—Question, That those words be there added,—put, and *negatived*.

Question, That the clause, as amended, stand part of the Bill,—put, and *agreed to*.

Clauses 19 and 20 amended, and *agreed to*.

Clause 21.—Amendment proposed, at the end of the clause to add the words, "with or without a power of appeal as to the Commissioners may seem expedient"—(Mr. *Solicitor General*).—Question proposed, That those words be there added.—Amendment proposed to the proposed Amendment, by leaving out the words "with or without a power of appeal"—(Mr. Alderman *Lawrence*).—Question put, That the words proposed to be left out stand part of the said proposed Amendment.—The Committee divided:

Ayes, 14.	Noes, 5.
Mr. Acland.	Mr. Alderman Lawrence.
Mr. Dillwyn.	Mr. Buxton.
Mr. Walpole.	Mr. Walter.
Mr. Mowbray.	Mr. Goldney.
Mr. Talbot.	Mr. Melly.
Mr. Hope.	
Mr. Bright.	
Mr. Winterbotham.	
Mr. Adderley.	
Mr. Parker.	
Mr. Howard.	
Sir J. Pakington.	
Sir J. Coleridge.	

Another Amendment proposed to the proposed Amendment, by inserting after the word "appeal" the words "in such cases and under such circumstances"—(Mr. *Goldney*).—Question, That those words be inserted in the proposed Amendment,—put, and *agreed to*.—Question, That the words "with or without a power of appeal in such cases and under such circumstances as to the Commissioners may seem expedient," be added to the clause,—put, and *agreed to*.—Clause, as amended, *agreed to*.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 30th April 1869.

MEMBERS PRESENT:

Mr. W. E. Forster in the Chair.

Mr. Alderman Lawrence.	Mr. Acland.
Mr. Dillwyn.	Mr. Howard.
Mr. Buxton.	Mr. Walpole.
Lord Robert Montagu.	Mr. Goldney.
Mr. Walter.	Mr. Talbot.
Mr. Mowbray.	Mr. Parker.
Mr. Hope.	Mr. Gregory.
Mr. Melly	Sir J. Coleridge.
Sir S. Northcote.	Mr. Bright.
Mr. Adderley.	

Clause 22.—Amendment proposed, at the end of the clause to add the words, "where part of an endowment is an educational endowment within the meaning of this Act, and part of it is applicable and applied to other charitable uses, the Commissioners shall, by any scheme relating to such endowment, provide:—(1.) That (unless with the consent of the governing body of such endowment, or upon such certificate of the Charity Commissioners as is authorised by this Act) such sum as in their opinion, subject to appeal to Her Majesty in Council, is the average annual amount which is applicable, or (if no fixed proportion is applicable) which has during the three years previously to the passing of this Act been applied to such other charitable uses, shall not be diverted by the scheme from such uses"—(The *Chairman*).—Question proposed, That those words be there added:—Whereupon Amendment proposed to the proposed Amendment, by leaving out the word "sum," in order to insert the word "proportion"—(Mr. *Goldney*),—instead thereof.—Question put, That the word "sum" stand part of the said proposed Amendment.—The Committee divided:

Ayes, 13.	Noes, 6.
Mr. Dillwyn.	Mr. Alderman Lawrence.
Mr. Buxton.	Mr. Mowbray.
Lord R. Montagu.	Mr. Talbot.
Mr. Walter.	Mr. Goldney.
Mr. Walpole.	Mr. Adderley.
Sir J. Pakington.	Mr. Gregory.
Mr. Hope.	
Mr. Melly.	
Sir S. Northcote.	
Mr. Acland.	
Mr. Parker.	
Mr. Howard.	
Sir J. Coleridge.	

Question, That those words be there added,—put, and *agreed* to.

Another Amendment proposed, at the end of the last Amendment, to add the words, "(2.) That where such average annual amount exceeds one-half of the whole income of the endowment, the governing body of such endowment existing at the date of the scheme shall, so far as regards such amount, remain unaltered by the scheme unless they assent to the scheme"—(The *Chairman*).—Question proposed, That those words be there added:—Whereupon Amendment proposed to the proposed Amendment, by leaving out the words "so far as regards such amount"—(Mr. *Goldney*).—Question put, That the words "so far as regards," stand part of the said proposed Amendment.—The Committee divided:

Ayes, 13.	Noes, 5.
Mr. Dillwyn.	Mr. Alderman Lawrence.
Mr. Buxton.	Sir J. Pakington.
Lord R. Montagu.	Mr. Talbot.
Mr. Walter.	Mr. Hope.
Mr. Walpole.	Mr. Goldney.
Mr. Gregory.	
Mr. Melly.	
Sir S. Northcote.	
Mr. Adderley.	
Mr. Acland.	
Mr. Parker.	
Mr. Howard.	
Sir J. Coleridge.	

An Amendment made.—Amendment, as amended, *agreed to.*

Another

Another Amendment proposed, at the end of the last Amendment, to add the words, "(3.) That where the governing body remains unaltered, they shall either pay a proper income for the educational endowment, or shall receive an income equal to such annual average amount, or have vested in them an endowment which will produce that income" —(The *Chairman*).—Question proposed, That those words be there added:—Whereupon Amendment proposed to the proposed Amendment, by leaving out from the word "unaltered" to the end of the proposed Amendment, in order to insert the words "they shall apply the same annual proportion of the income as has been hitherto paid, or may be fixed, by the Commissioners, subject to appeal to Her Majesty in Council, to the educational purpose of the endowment"—(Mr. *Walter*),—instead thereof—Question put, That the words proposed to be left out stand part of the said proposed Amendment.—The Committee divided:

Ayes, 4.	Noes, 14.
Mr. Talbot.	Mr. Alderman Lawrence.
Sir S. Northcote.	Mr. Dillwyn.
Mr. Acland.	Mr. Buxton.
Sir J. Coleridge.	Lord R. Montagu.
	Mr. Walter.
	Mr. Walpole.
	Sir J. Pakington.
	Mr. Hope.
	Mr. Goldney.
	Mr. Melly.
	Mr. Gregory.
	Mr. Adderley.
	Mr. Parker.
	Mr. Howard.

Question proposed, That the proposed words be inserted instead thereof:—Whereupon Amendment proposed, after the word "proportion," to insert the words "at least"—(Mr. *Adderley*).—Question put, That the words "at least" be there inserted.—The Committee divided:

Ayes, 8.	Noes, 10.
Mr. Walpole.	Mr. Alderman Lawrence.
Mr. Talbot.	Mr. Dillwyn.
Sir S. Northcote.	Mr. Buxton.
Mr. Adderley.	Lord R. Montagu.
Mr. Parker.	Mr. Walter.
Mr. Acland.	Sir J. Pakington.
Mr. Howard.	Mr. Hope.
Sir J. Coleridge.	Mr. Goldney.
	Mr. Gregory.
	Mr. Melly.

Question, That the words, "Where the governing body remain unaltered, they shall apply the same annual proportion of the income as has been hitherto paid, or as may be fixed by the Commissioners, subject to appeal to Her Majesty in Council, to the educational purposes of the endowment," be inserted in the clause,—put, and *agreed to*.

Another Amendment proposed, at the end of the last Amendment, to add the words "subject to the foregoing provisions of this section, the Commissioners shall have power by any scheme to deal with such endowment, and with the governing body thereof, in the same manner in all respects as if the whole of it were an educational endowment"—(The *Chairman*).—Question proposed, That the proposed words be added to the Clause.—Amendment proposed to the proposed Amendment, by inserting after the word "thereof" the words "except as to the management of the property where the non-educational purposes exceed one-half of the endowment"—(Mr. *Goldney*).—Question, That those words be inserted in the proposed Amendment,—put, and *negatived*.—Question, That the proposed words be added to the clause,—put, and *agreed to*.

Further Amendment made.—Clause, as amended, *agreed to*.

Clause 23, amended, and *agreed to*.

Clause 24—Amendments made.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 4th May 1869.

MEMBERS PRESENT:

Mr. W. E. FORSTER, in the Chair.

Mr. Alderman Lawrence.	Sir S. Northcote.
Mr. Dillwyn.	Mr. Winterbotham.
Mr. Buxton.	Mr. Adderley.
Lord R. Montagu.	Mr. Acland.
Mr. Walter.	Mr. Howard.
Mr. Mowbray.	Mr. Walpole.
Mr. Talbot.	Sir J. Pakington.
Mr. Hope.	Mr. Parker.
Mr. Melly.	Sir J. Coleridge.
Mr. Gregory.	Mr. Bright.

Clause 24, amended, and *agreed to.*

Clause 25.—Amendment proposed, to leave out the words "to any one or more of the following purposes; namely"—(Sir *S. Northcote*).—Question put, That those words stand part of the Clause.—The Committee divided:

Ayes, 12.	Noes, 9.
Mr. Dillwyn.	Mr. Alderman Lawrence.
Mr. Buxton.	Sir J. Pakington.
Lord R. Montagu.	Mr. Mowbray.
Mr. Walter.	Mr. Talbot.
Mr. Walpole.	Mr. Hope.
Mr. Goldney.	Sir S. Northcote.
Mr. Melly.	Mr. Acland.
Mr. Gregory.	Sir J. Coleridge.
Mr. Bright.	Mr. Howard.
Mr. Winterbotham.	
Mr. Adderley.	
Mr. Parker.	

An Amendment made.

Another Amendment proposed, after the word "doles," to insert the words "of small amount"—(Mr. Alderman *Lawrence*).—Question put, That those words be there inserted.—The Committee divided:

Aye, 1.	Noes, 18.
Mr. Alderman Lawrence.	Mr. Dillwyn.
	Mr. Buxton.
	Mr. Walter.
	Mr. Walpole.
	Sir J. Pakington.
	Mr. Mowbray.
	Mr. Talbot.
	Mr. Hope.
	Mr. Goldney.
	Mr. Melly.
	Mr. Gregory.
	Mr. Bright.
	Sir S. Northcote.
	Mr. Adderley.
	Mr. Acland.
	Sir J. Coleridge.
	Mr. Parker.
	Mr. Howard.

Another Amendment proposed, after the words "eight hundred," to insert the words, "It shall be lawful for the Commissioner, with the consent of the governing body"—(Mr. *Walpole*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 8.	Noes, 7.
Mr. Alderman Lawrence.	Mr. Dillwyn.
Mr. Walter.	Mr. Melly.
Mr. Walpole.	Sir S. Northcote.
Mr. Mowbray.	Mr. Acland.
Mr. Talbot.	Sir J. Coleridge.
Mr. Hope.	Mr. Parker.
Mr. Goldney.	Mr. Howard.
Mr. Adderley.	

Another Amendment proposed, after the word "body," to insert the words, "if consisting of more than five members, and not personally interested in the receipt of the income,"—(Mr. *Howard*).—Question, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 8.
Mr. Dillwyn.	Mr. Lawrence.
Mr. Melly.	Mr. Walter.
Mr. Adderley.	Mr. Walpole.
Mr. Acland.	Mr. Mowbray.
Sir J. Coleridge.	Mr. Hope.
Mr. Parker.	Mr. Goldney.
Mr. Howard.	Mr. Gregory.
	Sir S. Northcote.

Another Amendment proposed, to leave out the words "if the Charity Commissioners" —(The *Chairman*).—Question put, That those words stand part of the Clause.—The Committee divided:

Ayes, 8.	Noes, 8.
Mr. Walpole.	Mr. Alderman Lawrence.
Mr. Hope.	Mr. Dillwyn.
Mr. Melly.	Mr. Walter.
Sir S. Northcote.	Mr. Mowbray.
Mr. Winterbotham.	Mr. Goldney.
Mr. Acland.	Mr. Gregory.
Sir J. Coleridge.	Mr. Adderley.
Mr. Parker.	Mr. Howard.

Whereupon the Chairman declared himself with the Noes.—Further Amendments made.

Another Amendment proposed at the end of the Clause, to add the following proviso:—"Provided that—(1.) In any scheme relating to an endowment applicable to doles the Commissioners shall apply that endowment for the advancement of the education of the class of persons who, in the opinion of the Commissioners, were recipients of such doles. (2.) No open space at the commencement of this Act enjoyed or frequented by the public shall be enclosed in any other manner than it might have been if this Act had not passed" —(The *Chairman*).—Question proposed, That the proposed proviso be added to the Clause:—Whereupon Amendment proposed to the proposed Amendment, by leaving out, in line 1, the word "an," and by inserting the word "such"—(Mr. *Winterbotham*),—instead thereof.—Question put, That the word "an" stand part of the proposed proviso.—The Committee divided:

Ayes, 8.	Noes, 9.
Mr. Alderman Lawrence.	Lord R. Montagu.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Buxton.	Mr. Talbot.
Mr. Walter.	Mr. Hope.
Mr. Walpole.	Mr. Bright.
Mr. Goldney.	Mr. Winterbotham.
Mr. Gregory.	Mr. Adderley.
Mr. Acland.	Mr. Parker.
	Mr. Howard.

Question, That the word "such" be there inserted,—put, and *agreed to*.—Question, That the proposed proviso, as amended, be added to the Clause,—put, and *agreed to*—Clause, as amended, *agreed to*.

[Adjourned till Friday next, at Eleven o'clock.

Friday, 7th May 1869.

MEMBERS PRESENT:

Mr. W. E. FORSTER in the Chair.

Mr. Acland.	Mr. Parker.
Mr. Walter.	Sir S. Northcote.
Mr. Hope.	Mr. Alderman Lawrence.
Mr. Howard.	Mr. Winterbotham.
Mr. Dillwyn.	Mr. Adderley.
Mr. Buxton.	Sir J. Pakington.
Mr. Walpole.	Mr. Bright.
Mr. Goldney.	Mr. Gregory.
Mr. Mowbray.	Lord R. Montagu.
Mr. Talbot.	

Clause 26.—Amendment made.—Another Amendment proposed, after the word "appoint," to leave out the words "it shall lawful," in order to insert the words, "the several persons hereinafter named"—(Mr. *Hope*),—instead thereof.—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 6.	Noes, 4.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Buxton.	Mr. Talbot.
Mr. Walter.	Mr. Hope.
Mr. Walpole.	Mr. Howard.
Mr. Goldney.	
Mr. Acland.	

Another Amendment made.—Clause, as amended, *agreed to.*

Clause 27.—Amendment proposed, at the end of the Clause, to add the words "subject to the following conditions, namely"—(The *Chairman*).—Question proposed, That those words be there added,—put, and *agreed to.*—Further Amendments made.—Clause, as amended, *agreed to.*

Clause 28, *agreed to.*

Clause 29, amended, and *agreed to.*

Clause 30.—Amendments made.—Amendment proposed, at the end of the Clause, to add the words "or into any matters connected therewith on which they may require information"—(Sir *S. Northcote*).—Question, That those words be there added,—put, and *negatived.*—Clause, as amended, *agreed to.*

Clause 31, amended, and *agreed to.*

Clause 32.—Amendments made.—Clause, as amended, *agreed to.*

Clause 33, amended, and *agreed to.*

Clause 34.—Amendment proposed, in line 13, after the word "Act," to insert the following words: "of a scheme not having, in the opinion of the governing body, due regard to any educational interests to which regard is required by this Act to be had on the abolition or modification of any privileges or educational advantages to which a particular class of persons are entitled"—(Mr. *Walter*).—Question, That the words "of a scheme not having," be inserted in the Clause,—put, and *agreed to.*——Question put, That the words, "in the opinion of the governing body" be inserted in the Clause.—The Committee divided:

Ayes, 14.	Noes, 2.
Mr. Dillwyn.	Mr. Alderman Lawrence.
Mr. Buxton.	Mr. Gregory.
Mr. Walter.	
Mr. Walpole.	
Mr. Mowbray.	
Mr. Talbot.	
Mr. Goldney.	
Mr. Howard.	
Mr. Acland.	
Mr. Parker.	
Sir S. Northcote.	
Mr. Winterbotham.	
Mr. Adderley.	
Lord Robert Montagu.	

Remaining words *agreed to*, and inserted in the Clause.—Clause, as amended, *agreed to*.

Clause 35, amended, and *agreed to*.

Clause 36.—Amendment proposed, in line 3, after the word "Parliament," to insert the words, "it shall be the duty of some Member of the Committee of Council on Education to introduce a Bill"—(Mr. *Mowbray*).—Question, That those words be there inserted.—The Committee divided:

Ayes, 6.	Noes, 10.
Mr. Mowbray.	Mr. Acland.
Mr. Talbot.	Mr. Alderman Lawrence.
Mr. Hope.	Mr. Dillwyn.
Mr. Gregory.	Mr. Buxton.
Mr. Adderley.	Lord R. Montagu.
Sir S. Northcote.	Mr. Walter.
	Mr. Walpole.
	Mr. Winterbotham.
	Mr. Parker.
	Mr. Howard.

Another Amendment proposed, in line 4, after the word "shall," to insert the words, "after due notice"—(Lord *Robert Montagu*).—Question, That those words be there inserted,—put, and *negatived*.

Another Amendment proposed, in line 4, to leave out the word "forthwith"—(Mr. *Winterbotham*).—Question put, That the word "forthwith" stand part of the Clause.—The Committee divided:

Ayes, 10.	Noes, 5.
Mr. Acland.	Mr. Hope.
Mr. Alderman Lawrence.	Mr. Adderley.
Mr. Dillwyn.	Sir S. Northcote.
Mr. Buxton.	Mr. Winterbotham.
Lord R. Montagu.	Mr. Howard.
Mr. Walter.	
Mr. Walpole.	
Mr. Mowbray.	
Mr. Talbot.	
Mr. Parker.	

Another Amendment proposed, in line 8, after the word "days," to insert the words, "an address has been"—(The *Chairman*).—Question proposed, That those words be there inserted:—Whereupon Amendment proposed to the proposed Amendment, by leaving out the words, "an address has been," in order to insert the words "a resolution is passed by the said Houses, to the effect that the House does not assent to such scheme, such scheme shall have full effect"—(Mr. *Acland*),—instead thereof.—Amendment to Amendment, by leave, withdrawn.—Question, That the words "an address has been," be inserted in the Clause,—put, and *agreed to*.—Clause, as amended, *agreed to*.

Motion made, and Question, That the Chairman be directed to move the House,—"That it be an instruction to the Select Committee on Endowed Schools Bill, that they have power to divide the said Bill into two Bills, and to report such two Bills, or either of them separately, to the House"—(Mr. *Walpole*),—put, and *agreed to*.

Adjourned till Tuesday next, at 11 o'clock.

Tuesday, 11*th May* 1869.

MEMBERS PRESENT:

Mr. W. E. FORSTER in the Chair.

Mr. Mowbray.	Mr. Howard.
Mr. Dillwyn.	Mr. Alderman Lawrence.
Mr. Buxton.	Mr. Talbot.
Mr. Walter.	Mr. Adderley.
Mr. Goldney.	Mr. Hope.
Mr. Acland.	Mr. Parker.
Sir S. Northcote.	Sir J. Pakington.
Mr. Winterbotham.	

Order of the House of 10th May, read as follows:—*Ordered*, That it be an instruction to the Select Committee on Endowed Schools Bill, that they have power

to divide the said Bill into two Bills, and to report such two Bills, or either of them separately, to The House.

Clauses 37—46, *agreed to.*

Clause 47.—Amendment proposed after the word "of," in line 20, to insert the words the members of the governing body who are present at a meeting duly constituted" —(Mr. *Dillwyn*).—Question put, That the words "the members of" stand part of the proposed Amendment.—The Committee divided:

Ayes, 7.	Noes, 6.
Mr. Alderman Lawrence.	Mr. Walter.
Mr. Dillwyn.	Mr. Mowbray.
Mr. Buxton.	Mr. Talbot.
Sir S. Northcote.	Mr. Hope.
Mr. Winterbotham.	Mr. Goldney.
Mr. Acland.	Mr. Adderley.
Mr. Howard.	

Remaining words *agreed to*, and inserted in the Clause.—Another Amendment made.—Clause, as amended, *agreed to.*

Postponed Clause 3, *agreed to.*

New Clause:—"Nothing in this Act, save as in this Act is expressly provided, shall apply to any school which on the 1st of January 1869 was used solely for the education of choristers, or to the endowment of any such school if applicable solely for such education"—(Mr. *Mowbray*),—brought up, and read the first and second time, amended, and *added.*

New Clause:—"In framing schemes under this Act, provision shall be made, so far as conveniently may be, for extending the benefits of endowments equally to girls and boys" —(Mr. *Winterbotham*),—brought up, and read a first and second time.—Amendment proposed, after the word "extending," to insert the words "to girls"—(The *Chairman*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, to insert after the word "girls" the words "as well as to boys"—(Sir *J. Pakington*).—Question, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 7.
Mr. Alderman Lawrence.	Mr. Dillwyn.
Mr. Buxton.	Mr. Talbot.
Mr. Walter.	Mr. Hope.
Sir. J. Pakington.	Mr. Goldney.
Mr. Mowbray.	Mr. Adderley.
Sir. S. Northcote.	Mr. Acland.
Mr. Winterbotham.	Mr. Howard.

Whereupon, the Chairman declared himself with the Noes.

Another Amendment made.

Another Amendment proposed, after the word "endowments," to add the words "so as to give them as nearly as possible advantages equal to those given to boys"—(Sir *S. Northcote*).—Question put, That those words be there added.—The Committee divided:

Ayes, 3.	Noes, 11.
Sir S. Northcote.	Mr. Alderman Lawrence.
Mr. Winterbotham.	Mr. Dillwyn.
Mr. Howard.	Mr. Buxton.
	Mr. Walter.
	Sir J. Pakington.
	Mr. Mowbray.
	Mr. Talbot.
	Mr. Hope.
	Mr. Goldney.
	Mr. Adderley.
	Mr. Acland.

Clause, as amended, *added.*

New Clause:—"Nothing in this Act shall authorise the making of any scheme interfering with the constitution of the governing body of any school, which governing body is subject to the jurisdiction of the governing body of the people called Quakers, or of the congregation of United Brethren called Moravians, unless the governing body of such school

scool assent to the scheme"—(Mr. *Dillwyn*),—brought up, and read the first and second time, and *added.*

New Clause:—"A scheme of the Commissioners shall not be submitted to the Committee of Council on Education, unless two at least of the Commissioners have signified in writing their approval of such scheme, but in all other respects one Commissioner may act under this Act"—(The *Chairman*),—brought up, and read the first and second time, and *added.*

New Clause:—"Where an educational endowment at the commencement of this Act forms or has formed part of the endowment of any cathedral or collegiate church, the Commissioners may submit to the Ecclesiastical Commissioners for England proposals for meeting out of the common fund of the Ecclesiastical Commissioners the claims of any school receiving assistance out of the endowment of any such church to have an increased provision made for it in respect of any estates of such church which may have been transferred to the Ecclesiastical Commissioners. And the Ecclesiastical Commissioners, on assenting to any such proposal or any modification of it, may make such provision out of their common fund by such means and in such manner as they think best, and a scheme under this Act may, with their consent be made for carrying such proposal into effect"—(The *Chairman*), —brought up, and read the first and second time, and *added.*

Preamble *agreed to.*

Resolved, 1st: That the Bill be divided into two Bills, under the powers given to the Committee by the Instruction of the House.

2nd. That Clauses 1 to 52 inclusive of the present Bill, as amended, together with the new Clauses added by the Committee, form the first Bill.

3rd. That the Chairman be directed to report that the Committee had divided the Bill into two Bills, and to report the first Bill, as amended, to The House.

Ordered, to Report.

REPORT

FROM THE

SELECT COMMITTEE

ON

ENDOWED SCHOOLS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE

Ordered, by The House of Commons, *to be Printed,*
11 *May* 1869.

208.

Under 3 *oz.*

REPORT

AND

SPECIAL REPORT

FROM THE

SELECT COMMITTEE

ON

ENDOWED SCHOOLS (No. 2) BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1869.

Monday, 15*th March* 1869.

Ordered, THAT the Endowed Schools Bill be read a second time, and committed to a Select Committee.

Thursday, 1*st April* 1869.

Ordered, THAT the Committee do consist of Twenty-one Members.

Committee nominated of—

Mr. William Edward Forster.
Sir John Coleridge.
Mr. Walpole.
Mr. Acland.
Mr. Mowbray.
Mr. James Howard.
Mr. Adderley.
Mr. Buxton.
Sir John Pakington.
Mr. Melly.
Sir Stafford Northcote.
Mr. Walter.
Sir John Hay.
Mr. Parker.
Mr. George Gregory.
Mr. Winterbotham.
Mr. John Talbot.
Mr. Jacob Bright.
Mr. Beresford Hope.
Mr. Dillwyn.
Mr. Goldney.

Ordered, THAT Five be the Quorum of the Committee.

Friday, 2*nd April* 1869.

Ordered, THAT the Committee do consist of Twenty-two Members.

Ordered, THAT Mr. Alderman Lawrence be added to the Committee.

Ordered, THAT Sir John Hay be discharged from attendance on the Committee; and that Lord Robert Montagu be added to the Committee.

Tuesday, 6*th April* 1869.

Ordered, THAT all Petitions relating to the Endowed Schools Bill which have been presented during the present Session, or which may be presented during the Sitting of the Select Committee on the Endowed Schools Bill, be referred to such Committee.

Ordered, THAT the Committee have power to send for Papers and Records.

Monday, 10*th May* 1869.

Ordered, THAT it be an Instruction to the Select Committee on Endowed Schools Bill, that they have power to divide the said Bill into two Bills, and to report such two Bills, or either of them separately, to The House.

Tuesday, 8*th June* 1869.

ENDOWED SCHOOLS (No. 2) BILL.

Ordered, THAT the Committee have leave to make a Special Report.

SPECIAL REPORT - - - - - - - - - - - p. iii
REPORT - - - - - - - - - - - - p iii
PROCEEDINGS OF THE COMMITTEE - - - - - p. iv

SPECIAL REPORT.

THE SELECT COMMITTEE to whom the ENDOWED SCHOOLS BILL was referred, and who were empowered to divide the Bill into two Bills, and to report such two Bills, or either of them separately, to the House;—HAVE, as regards the second of the two Bills, agreed to the following SPECIAL REPORT:—

THAT in the case of the Endowed Schools (No. 2) Bill, the Committee have thought it better at this period of the Session not to enter upon the consideration of the Bill, or of amendments which would materially affect its character, but to report it without amendment, with a view to its re-commitment to a Committee of the whole House, *pro formâ*, if the House shall think fit.

REPORT.

THE SELECT COMMITTEE to whom the ENDOWED SCHOOLS BILL was referred, and who were empowered to divide the said Bill into two Bills, and to report such two Bills, or either of them separately, to the House;—HAVE agreed to report the ENDOWED SCHOOLS (No. 2) BILL, without Amendment.

8 *June* 1869.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 1st June, 1869.

MEMBERS PRESENT:

Mr. W. E. FORSTER in the Chair.

Mr. Adderley.	Mr. Mowbray.
Mr. Alderman Lawrence.	Mr. Talbot.
Mr. Dillwyn.	Mr. Goldney.
Lord Robert Montagu.	Mr. Parker.
Mr. Buxton.	Mr. Hope.
Mr. Walter.	Sir J. Pakington.
Mr. Walpole.	

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 8th June, 1869.

MEMBERS PRESENT:

Mr. W. E. FORSTER in the Chair.

Mr. Alderman Lawrence.	Mr. Gregory.
Mr. Jacob Bright.	Mr. Adderley.
Mr. Dillwyn.	Mr. Parker.
Mr. Walter.	Mr. Walpole.
Sir J. Pakington.	Mr. Acland.
Mr. Talbot.	Mr. Howard.
Mr. Hope.	Mr. Mowbray.
Mr. Goldney.	Mr. Buxton.

ENDOWED SCHOOLS (No. 2) BILL.

The Committee deliberated.

Motion made, and Question, "That the Chairman be instructed to move for leave to make a Special Report"—(Sir *John Pakington*)—put, and *agreed to.*

SPECIAL REPORT proposed by the Chairman, brought up, and read the first and second time, and *agreed to.*

Motion made, and Question, "That this Special Report be the Report of the Committee to the House"—(Mr. *Dillwyn*)—put, and *agreed to.*

Ordered, To Report.

REPORT

AND

SPECIAL REPORT

FROM THE

SELECT COMMITTEE

ON

ENDOWED SCHOOLS (No. 2) BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1869.

256.

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON THE

MARRIED WOMEN'S PROPERTY BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
13 *May* 1869.

Wednesday, 14*th April* 1869.

Married Women's Property Bill, read a second time, and committed to a Select Committee.

Thursday, 22*nd April* 1869.

Committee nominated of,—

Mr. Chancellor of the Exchequer.	Sir. John Simeon.
Mr. Cross.	Mr. Bentinck.
Mr. Solicitor General.	Mr. Jessel.
Mr. Amphlett.	Mr. Jacob Bright.
Mr. Headlam.	Mr. Pemberton.
Mr. Scourfield.	Mr. Dowse.
Mr. Lefevre.	Mr. Russell Gurney.
Mr. Lopes.	

Ordered, That Five be the Quorum of the Committee.

Tuesday, 27*th April* 1869.

Ordered, That the Report, which upon the 17th day of July in the last Session of Parliament was made from the Select Committee on Married Women's Property Bill, be referred to the Select Committee on Married Women's Property Bill.

REPORT - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - p. iv

REPORT.

Mr. Russel Gurney reported from the Select Committee on the Married Women's Property Bill, that they had gone through the Bill, and made Amendments thereunto.

13 *May* 1869.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 27*th April* 1869.

MEMBERS PRESENT:

Mr. Scourfield.	Mr. Dowse.
Mr. Shaw Lefevre.	Mr. Pemberton.
Mr. Cross.	Mr. Amphlett.

Mr. *Scourfield* was called to the Chair.

The Committee deliberated.

[Adjourned till Friday next.

Friday, 30*th April* 1869.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Mr. Headlam.	Mr. Cross.
Mr. Lefevre.	Mr. Dowse.
Mr. Russell Gurney.	Mr. Lopes.
Mr. Amphlett.	Mr. Pemberton.
Mr. Jessel.	Sir John Simeon.
Mr. Jacob Bright.	Mr. Chancellor of the Exchequer.

Motion made, and Question, "That Mr. Russell Gurney be the Chairman of this Committee in the place of Mr. Scourfield"—(Mr. *Scourfield*),—put, and *agreed to.*

Mr. RUSSELL GURNEY (in the Chair).

Motion made, and Question, "That, in the opinion of the Committee, it is desirable that a provision be inserted in the Bill, to the effect that no married woman shall have power to alienate her freehold or copyhold estates, or any reversionary interest in personal estate, except by deed, acknowledged and with the consent of her husband,"—put (Mr. *Amphlett*). The Committee divided:

Ayes, 5.	Noes, 6.
Mr. Amphlett.	Mr. Jacob Bright.
Mr. Cross.	Mr. Dowse.
Mr. Lopes.	Mr. Headlam.
Mr. Pemberton.	Mr. Jessell.
Mr. Scourfield.	Mr. Lefevre.
	Sir John Simeon.

The Committee deliberated.

[Adjourned till Tuesday, 11th May, at Eleven o'clock.

Tuesday, 11*th May* 1869.

MEMBERS PRESENT:

Mr. Russell Gurney in the Chair.

Mr. Solicitor General.	Sir J. Simeon.
Mr. Amphlett.	Mr. Scourfield.
Mr. Cross.	Mr. Pemberton.
Mr. Shaw Lefevre.	Mr. Bentinck.
Mr. Jessel.	Mr. Jacob Bright.

Preamble *postponed.*

Clause 1.—Amendment proposed, in line 9, after the word "holding," to leave out all the words to the end of the clause, in order to insert the words, "any money or property which a wife may acquire by her own lawful industry in any trade or other occupation carried on by her separately from the trade or other occupation of her husband [and any property which she may become possessed of], shall, as against her husband or his creditors, or any person claiming under him, belong to the wife as if she were a *feme sole*; and if the husband, or any creditor of, or person claiming under, the husband, shall seize or continue to hold any property of the wife, he shall be liable at the suit of the wife (which she is hereby empowered to bring) to restore the specific property [or double the value thereof]; and the wife shall be in the like position in all respects with regard to such money and property, and to all contracts in respect of the same, and with regard to suing and being sued in respect of the same as if she were a *feme sole*,"—(Mr. *Cross*) instead thereof.—Motion made, and Question put, That the words proposed to be left out stand part of the clause.—The Committee divided:

Ayes, 6.	Noes, 2.
Mr. Amphlett.	Mr. Cross.
Mr. Jessel.	Mr. Scourfield.
Mr. Lefevre.	
Mr. Pemberton.	
Sir John Simeon.	
Mr. Solicitor General.	

Another Amendment proposed, in line 12, after the word "sole" to add the words "Provided that nothing herein contained shall empower a married woman to dispose otherwise than by will of any freehold or copyhold hereditaments, or any money subject to be invested in the purchase of freehold or copyhold hereditaments, or any future or reversionary interest, whether vested or contingent, in personalty, or to release or extinguish any power which may be vested in her in regard to such freehold or copyhold hereditaments, money, or personal estate, but the powers of disposition now vested in married women over all such hereditaments and other property shall remain the same as if this Act had not passed"—(Mr. *Amphlett*).—Question put, That those words be there added.—The Committee divided:

Ayes, 5.	Noes, 3.
Mr. Amphlett.	Mr. Jessel.
Mr. Cross.	Mr. Lefevre.
Mr. Pemberton.	Sir John Simeon.
Mr. Scourfield.	
Mr. Solicitor General.	

Words added.

Clause 1, as amended, *agreed to.*

Clause 2, *agreed to.*

Clause 3, amended.—Question put, That this Clause, as amended, stand part of the Bill.—The Committee divided:

Ayes, 6.	Noes, 4.
Mr. Amphlett.	Mr. Bentinck.
Mr. Jacob Bright.	Mr. Cross.
Mr. Jessel.	Mr. Pemberton.
Mr. Lefevre.	Mr. Scourfield.
Sir John Simeon.	
Mr. Solicitor General.	

Clauses 4 and 5 amended, and *agreed to.*

Clause 6.—Amendment proposed, in line 10, after word "intestate," to insert the words, "who shall have married after this Act has come into operation"—(Mr. *Pemberton*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Amphlett.	Mr. Jacob Bright.
Mr. Bentinck.	Mr. Jessel.
Mr. Cross.	Mr. Lefevre.
Mr. Pemberton.	Sir John Simeon.
Mr. Scourfield.	Mr. Solicitor General.

Whereupon the Chairman declared himself with the Noes.

Question put, "That Clause 6, as amended, stand part of the Bill."—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. J. Bright.	Mr. Amphlett.
Mr. Jessel.	Mr. Bentinck.
Mr. Lefevre.	Mr. Cross.
Sir John Simeon.	Mr. Pemberton.
Mr. Solicitor General.	Mr. Scourfield.

Whereupon the Chairman declared himself with the Ayes.

Clauses 7 to 11, amended, and *agreed to.*

Clauses 12, 13, 14, *agreed to.*

[Adjourned to Thursday next, at Eleven o'clock.

Thursday, 13*th May* 1868.

MEMBERS PRESENT:

Mr. Amphlett.	Mr. Jessel.
Mr. Headlam.	Mr. Pemberton.
Mr. Jacob Bright.	Sir John Simeon.
Mr. Lefevre.	

Mr. *Lefevre* was called to the Chair.

Several new Clauses added.

Preamble amended, and *agreed to.*

Question, "That the Chairman do report this Bill, as amended, to The House,"—put, and *agreed to.*

Ordered, To Report.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

MARRIED WOMEN'S PROPERTY BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
13 *May* 1869.

210.

Under 1 *oz.*